REPUBLICAN JOURNAL - - EXTRA

PUBLIC LAWS OF THE STATE OF MAINE, PASSED BY THE SIXTY-SEVENTH LEGISLATURE, A. D. 1895.

Chapter 1.

AN ACT to amend chapter two hundred and thirty-four of the Public Laws of eighteen hundred and eighty-nine, entitled "An Act relating to Fraternal Beneficiary Organizations."

SECTION 1. Section seven of chapter two hundred and thirty-four of the Public Laws of eighteen hundred and eighty-nine, entitled "An Act relating to Fraternal Beneficiary Organizations," is hereby amended by striking out the word "April" in the third line thereof and inserting the word 'March,' so that said section as amended, shall read as follows:

'SECT. 7. Every corporation, association or society doing business as herein defined shall annually, on or before the first day of March, return to the insurance commissioner the names and addresses of its president, secretary, treasurer, or other officers answering thereto, and shall make such further statement of its membership and financial transactions for the year ending on the preceding first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at any other times require any further statement he may deem necessary to be made relating to such corporation.'

SECT. 2. This act shall take effect when approved. [Approved January 23.]

Chapter 2.

AN ACT to repeal chapter eighty-seven of the Public Laws of eighteen hundred and ninety-one, entitled "An Act Relating to Fraternal Beneficiary Organizations."

SECT. 1. Chapter eighty-seven of the Public Laws of eighteen hundred and ninety-one, entitled "An Act Relating to Fraternal Beneficiary Organizations," is hereby repealed.

SECT. 2. This act shall take effect when approved. [Approved January 23.]

Chapter 3.

AN ACT to amend section one hundred and twenty-two of chapter two hundred and sixty-six of the Public Laws of one thousand eight hundred and ninety-three, relating to Militia.

SECT. 1. Section one hundred and twenty-two of chapter two hundred and sixty-six of the Public Laws of one thousand eight hundred and ninety-three is amended by striking out the word, "twelfth" in the fourth line thereof, and inserting in place thereof the word 'fifth' so that said section as amended, shall read as follows:

'SECT. 122. For the purpose of raising revenue to defray the current expenses of the National Guard, there shall be assessed and collected as other state taxes are, a tax of one-fifth of one mill upon all property in the state subject to taxation, for the present fiscal year and for each fiscal year thereafter. The revenue raised under the provisions of this section shall be paid into the state treasury and be converted into a special military fund, from which special fund only shall be paid the expenses authorized by this act; and so much thereof as may be necessary is hereby appropriated to carry out the provisions hereof, to be paid upon vouchers approved as provided in section one hundred and seven.'

SECT. 2. This act shall take effect when approved. [Approved January 23.]

Chapter 4.

AN ACT to amend chapter two hundred and eighty-four of the Public Laws of eighteen hundred and eighty-five, relating to Surety Companies.

SECT. 1. Section fourteen of chapter two hundred and eighty-four of the Public Laws of eighteen hundred and eighty-five, as amended by chapter eighty-six of the Public Laws of eighteen hundred and eighty-seven is hereby amended by striking out the words "one dollar" in the eighth line thereof and inserting the words 'two dollars' so that said section as amended shall read as follows:

'SECT. 14. Every surety company, not incorporated in this state, applying for admission to transact business therein, shall pay to the insurance commissioner, for the use of the state, upon filing a copy of its charter or deed of settlement and statement preliminary to admission, a license fee of twenty dollars and a like sum annually for each renewal of said license, and for each agent's certificate, annually, the sum of two dollars. Said companies shall also pay on or before the first day of May, annually, a tax of two per cent upon all premiums received in excess over losses actually paid during the year, on contracts made in the state, and over rebates on premiums allowed to the guaranteed. Said tax to be assessed and collected in accordance with the provisions of section sixty-one of chapter six of the Revised Statutes.'

SECT. 2. This act shall take effect when approved. [Approved January 25.]

Chapter 5.

AN ACT additional to chapter one hundred and twenty-seven of the Revised Statutes, relating to Malicious Mischief and Trespasses on Property.

Whoever willfully, mischievously or maliciously breaks and enters any railroad car on any railroad in this state or destroys, injures, or defaces any railroad car on any railroad in this state, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad car on the track or tracks of any railroad in this state, shall be punished by imprisonment not exceeding two years or by fine not exceeding five hundred dollars and shall also be liable to the corporation injured, in an action of trespass for the amount of injury so done, and for a further sum not exceeding in all three times such amount, as the jury deems reasonable. [Approved January 29.]

Chapter 6.

AN ACT to regulate the sale of goods marked "Sterling," "Sterling Silver," "Coin," or "Coin Silver."

SECT. 1. A person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling," or "sterling silver," or incased or inclosed in any box, package, cover or wrapper or other thing in or by which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing, that such article is silver, sterling silver, or solid silver, unless nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article is manufactured are pure silver, shall be deemed guilty of a misdemeanor.

SECT. 2. A person who makes or sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of any article of merchandise marked, stamped or branded with the words "coin," or "coin silver," or incased or inclosed in any box, package, cover or wrapper or other thing in or by which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing, that such article is coin or coin silver, unless nine hundred thousandths of the component parts of the metal of which the said article is manufactured are pure silver, shall be deemed guilty of a misdemeanor.

SECT. 3. Whoever violates the provisions of either of the preceding sections shall forfeit a sum not exceeding one hundred dollars for each offense, the same to be recovered on complaint before any trial justice, police or municipal court in the county in which said offense is committed. [Approved January 29.]

Chapter 7.

AN ACT to repeal section eight of chapter four of the Revised Statutes, relating to Elections.

Section eight of chapter four of the revised statutes is hereby repealed. [Approved February 1.]

Chapter 8.

AN ACT to repeal section ten of chapter forty of the Revised Statutes, relating to size of packages containing Smoked Herring.

Section ten of chapter forty of the revised statutes of eighteen hundred and eighty-three, is hereby repealed. [Approved February 5.]

Chapter 9.

AN ACT to amend section fifty-one of chapter forty of the Revised Statutes, as amended by chapter seventy-five of the Public Laws of eighteen hundred and ninety-one, relating to Fish and Fisheries.

Section fifty-one of chapter forty of the revised statutes, as amended by chapter seventy-five of the public laws of eighteen hundred and ninety-one is hereby amended as follows: By inserting after the word "flies" in the seventh line the words 'artificial minnows, or artificial insects,' so that said section as amended, shall read as follows:

'SECT. 51. Whoever fishes for, takes, catches, kills or destroys any fish, except smelts, with grapnel, spear, trawl, weir, seine, trap, or set lines except when fishing through the ice, and then with not more than five set lines, except in tide waters where such methods are not prohibited, or with any device or in any other way than by the ordinary mode of angling with single baited hooks and lines or with artificial flies, artificial minnows, or artificial insects, forfeits twenty-five dollars for the offense and ten dollars for each salmon or land-locked salmon and one dollar for each and every other fish so taken, caught killed or destroyed; and when such prohibited implements or devices are found in use or operation they are forfeit and contraband, and any person finding them in use may destroy them.' [Approved February 5.]

Chapter 10.

AN ACT to amend section one of chapter one hundred and forty-four of the Revised Statutes, relating to State Pensions.

Section one of chapter one hundred and forty-four of the revised statutes, granting state pensions, is hereby amended by adding next after the clause "on the quota of Maine," in the third line, the following words; 'and any person not on the quota of Maine, who has served in the army or navy of the United States in said war, and who was a resident of this state at date of enlistment, and at time of making application for pension shall have been a resident of the state at least five years,' so that said section when amended, shall read as follows:

'SECT. 1. Any person who has served by enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, on the quota of Maine, and any person not on the quota of Maine, who has served in the army or navy of the United States in said war, and who was a resident of this state at date of enlistment, and at time of making application for pension shall have been a resident of the state at least five years, and who has been disabled by wounds or other injury received in said service, in the line of duty, is entitled to a pension from the state of Maine, not exceeding eight dollars a month; provided, that such soldier or seaman is unable, from his own resources and the United States pension to obtain a livelihood.' [Approved Feb. 5.]

Chapter 11.

AN ACT to amend section forty-five of chapter one hundred and twenty-four of the Revised Statutes, relating to the duties of officers and agents in the enforcement of the laws for the Prevention of Cruelty to Animals.

Section forty-five of chapter one hundred and twenty-four of the revised statutes is hereby amended, so that the same shall read as follows:

'SECT. 45. It shall be the duty of sheriffs, deputy sheriffs, police officers, constables and agents appointed under the provisions of section forty-six of this chapter, to investigate all cases of cruelty to animals coming to their knowledge, and to cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution, and all fines imposed for the punishment of such offenses shall be paid over to the county treasurer of the county in which the offense may have been committed. For their travel and services, in conducting such investigations, such agents shall be paid by the county in which such services are rendered, the same fees as are now allowed officers by law for the service of a warrant for arrest: provided, however, that all claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.' [Approved February 5.]

Chapter 12.

AN ACT to fix the salary of the Treasurer of Aroostook County.

SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and ninety-five, the salary of the treasurer of Aroostook county shall be five hundred dollars a year, to be paid in equal quarterly payments.

SECT. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECT. 3. This act shall take effect when approved. [Approved February 11.]

Chapter 13.

AN ACT to amend chapter seventeen of the Public Laws of eighteen hundred and eighty-seven, relating to the protection of the Alewive Fishery.

SECT. 1. Section one of chapter seventeen of the public laws of the year eighteen hundred and eighty-seven is hereby amended by striking out the words "a line drawn east and west across said river at a point one-half mile south of Goose Rock so called," in the third, fourth and fifth lines and inserting in their place the words 'the bridge between the villages of Newcastle and Damariscotta,' and by striking out the word "twenty" in the eighth line and inserting in its place the words 'two hundred,' so that when amended, the whole section shall read as follows:

'SECT. 1. Whoever shall construct, set, maintain, or use any net, weir, seine, or other machine or device, in the waters of the Damariscotta river, northerly of the bridge between the villages of Newcastle and Damariscotta, for the purpose of taking or catching alewives, or whoever shall take or catch any alewives within said limits, except by hook and line, shall be punished by a fine of two hundred dollars for each offense; all nets, weirs, seines, or other machine or device, prohibited as aforesaid, shall be deemed forfeited and contraband, and any member of the fish committee of the towns of Newcastle or Nobleboro finding them in such use, may destroy them.'

SECT. 2. This act shall take effect when approved. [Approved February 11.]

Chapter 14.

AN ACT to amend chapter two hundred and forty-nine of the Public Laws of eighteen hundred and ninety-three, in relation to boundary lines on the Damariscotta river.

SECT. 1. Section five of chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety-three is hereby amended by striking out the word "Merrill's" in the fourth line and inserting the word 'the' in place thereof, so that when amended, it shall read as follows:

'SECT. 5. In the Damariscotta river above a line drawn from Farnham's head in the town of Boothbay to a point opposite on the shore in the town of Bristol, excepting the use of drag seines between the above line and The Ledges, for all fish excepting alewives.'

SECT. 2. This act shall take effect when approved. [Approved February 11.]

Chapter 15.

AN ACT for the better protection of fish in Machias Bay.

The taking of herring, or fishing therefor, by the use of purse and drag seines and all other seines or nets, except the use of seines or nets in weirs, from the first day of June to the first day of November, in the waters of Machias bay and its approaches inside of, or to the northward of a direct line drawn straight from the highest summit of the island called The Brothers, easterly to a point one-half mile distant, and due south from Libby Island light-house, thence from said point easterly to the southern extremity of the southern island called The Double Head Shots, is hereby prohibited. [Approved February 11.]

Chapter 16.

AN ACT to regulate the Alewive Fishery in Pemaquid River.

SECT. 1. From the first day of April to the fifteenth day of July in each year, all persons are hereby prohibited from fishing with nets, seines, traps, weirs, or any other contrivance, in that part of Pemaquid river which lies between Pemaquid falls and a line drawn west from the site of the old Pemaquid fort, for the term of ten years from the passage of this act.

SECT. 2. Any person violating any of the provisions of section one of this act, shall be subject to a fine of one hundred dollars, and forfeiture of all boats, nets, and apparatus used in such illegal fishing.

SECT. 3. All fishing for alewives, at or about Pemaquid falls below the mill dam, shall be restricted to four days in each week, and the fishing season shall be from the first day of April to the fifteenth day of July of each year, and all fishing shall be under such regulations and further restrictions as the fish committee of the town of Bristol shall decide upon.

SECT. 4. No person not authorized by the fish committee of the town of Bristol shall be allowed to catch or disturb any alewives in Pemaquid river above the flow of the tide, and no traps, or any other contrivance, shall be used for catching eels, or any other fish, that shall in any way interfere with the passage, either way, of alewives, old or young, and any person violating this section shall be subject to a fine of twenty-five dollars, and one dollar for each fish so taken or destroyed. [Approved February 12.]

Chapter 17.

AN ACT to provide for uniform blanks and rules of practice and procedure in the Courts of Probate and Insolvency

SECT. 1. A commission, composed of three judges and two registers of the probate and insolvency courts, to be appointed by the governor, immediately upon the passage of this act, shall prepare before the third Tuesday of July, eighteen hundred and ninety-five, rules of practice and procedure in said courts, and also blanks for use in said courts, which rules and blanks shall be submitted to the supreme judicial court for approval; and when approved by the last named court, or a majority of the justices thereof, said rules of practice and procedure shall take effect, and be in force in all courts of probate and insolvency; and no other blanks shall be used in the courts of probate and insolvency, after the expiration of two years from the time of the approval thereof as herein provided. And such a commission, appointed at any time by the governor, at the request in writing of a majority of the judges of the probate and insolvency courts, may make new rules and blanks or amendments to existing rules and blanks, which new rules and blanks, or amended rules and blanks shall, when approved by the supreme judicial court or a majority of the justices thereof, take effect and be in force in all courts of probate and insolvency.

SECT. 2. Said commission or commissions, so appointed, shall make a report to the governor of such expenses as may have been incurred in carrying out the provisions of this act, and upon the approval of the same by the governor and council, they shall be allowed and paid in the same manner as other claims against the state.

SECT. 3. This act shall take effect when approved. [Approved February 12.]

Chapter 18.

AN ACT additional to chapter forty-nine of the Revised Statutes, relating to Insurance.

SECT. 1. No fire insurance company shall issue fire insurance policies on property in this state, other than those of the standard form herein set forth, except as follows:

I. A company may print on or in its policies its name, location, and date of incorporation, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued through an agent, the words, 'this policy shall not be valid until countersigned by the duly authorized agent of the company at .'

II. A company may print or use in its policies, printed forms of description and specification of the property insured.

III. A company insuring against damage by lightning may print, in the clause enumerating the perils insured against, the additional words, 'also any damage by lightning, whether fire ensues or not,' and, in the clause providing for an apportionment of loss in case of other insurance, the words, 'whether by fire, lightning or both.'

IV. A company incorporated or formed in this state may print in its policies any provisions which it is authorized or required by law to insert therein; and any company not incorporated or formed in this state may, with the approval of the insurance commissioner, so print any provision required by its charter or deed of settlement or by the laws of its own state or country, not contrary to the laws of this state; provided, that the insurance commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such way as to affect the question of loss, to be appended to the policy by a slip or rider as hereinafter provided.

V. The blanks in said standard form may be filled in print or writing.

VI. A company may write upon the margin or across the face of a policy, or write, or print in type not smaller than long primer, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form; and all such slips, riders and provisions must be signed by the officers or agent of the company so using them.

VII. A company may print upon policies issued in compliance with the preceding provisions of this section, the words, 'Maine standard policy.' The said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and shall be as follows: Number $

Corporate name of the company or association, its principal place or places of business.

This company shall not be liable beyond the actual value of the insured property at the time any loss or damage happens.

'In consideration of dollars to it paid by the insured, hereinafter named, the receipt whereof is hereby acknowledged, does insure and legal representatives against loss or damage by fire, to the amount of dollars.

Description of property insured.

Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, medals, patterns, models, scientific cabinets and collections, paintings, sculpture and curiosities are not included in said insured property, unless specially mentioned.

Said property is insured for the term of beginning on the day of , in the year eighteen hundred and , at noon, and continuing until the day of in the year hundred and , at noon, against all loss or damage by fire originating from any cause except invasion, foreign enemies, civil commotions, riots, or any military or usurped power whatever; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, but not to include loss or damage caused by explosions of any kind unless fire ensues, and then to include that caused by fire only.

This policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured, or if the insured now has or shall hereafter make any other insurance on the said property without the assent in writing or in print of the company, or if, without such assent, the said property shall be removed, except that, if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter, or if, without such assent, the situation or circumstances affecting the risk shall, by or with the knowledge, advice, agency, or consent of the insured, be so altered as to cause an increase of such risks, or if, without such assent, the said property shall be sold, or this policy assigned, or if the premises hereby insured shall become vacant by the removal of the owner or occupant, and so remain vacant for more than thirty days without such assent, or if it is a manufacturing establishment, running in whole or in part extra time, except that such establishments may run in whole or in part extra hours, not later than nine o'clock in the afternoon, or if such establishments shall cease operations for more than thirty days without permission in writing indorsed hereon, or if the insured shall make any attempt to defraud the company, either before or after the loss, or if gunpowder or other articles subject to legal restriction, shall be kept in quantities or manner different from those allowed or prescribed by law, or if camphene, benzine, naphtha, or other chemical oils or burning fluids shall be kept or used by the insured on the premises insured, except that what is known as refined petroleum, kerosene, or coal oil, may be used for lighting, and in dwelling houses, kerosene oil stoves may be used for domestic purposes, to be filled when cold, by daylight, and with oil of lawful fire test only.

If the insured property shall be exposed to loss or damage by fire, the insured shall make all reasonable exertions to save and protect the same.

In case of any loss or damage under this policy, a statement in writing, signed and sworn to by the insured, shall be forthwith rendered to the company setting forth the value of the property insured, the interest of the insured therein, all other insurance thereon, in detail, the purposes for which and the persons by whom the building insured, or containing the property insured, was used and the time at which and manner in which the fire originated, so far as known to the insured. The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

In case of any loss or damage, the company, within sixty days after the insured shall have submitted a statement, as provided in the preceding clause, shall either pay the amount for which it shall be liable, which amount if not agreed upon shall be ascertained by award of referees as hereinafter provided, or replace the property with other of the same kind and goodness, or it may, within fifteen days after such statement is submitted, notify the insured of its intention to rebuild or repair the premises, or any portion thereof separately insured by this policy, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition. It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

If there shall be any other insurance on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater proportion of the loss sustained than the sum hereby insured bears to the whole amount insured thereon. And whenever the company shall pay any loss, the insured shall assign to it, to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town, or other corporation, excepting other insurers; or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

If this policy shall be made payable to a mortgagee of the insured real estate, no act or default of any person other than such mortgagee or his agents, or those claiming under him, shall affect such mortgagee's right to recover in case of loss on such real estate; provided, that the mortgagee shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured; and whenever this company shall be liable to a mortgagee for any sum for loss under this policy, for which no liability exists as to the mortgagor, or owner, and this company shall elect by itself, or with others, to pay the mortgagee the full amount secured by such mortgage, then the mortgagee shall assign and transfer to the companies interested, upon such payment, the said mortgage, together with the note and debt thereby secured.

This policy may be cancelled at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force. The company also reserves the right, after giving written notice to the insured, and to any mortgagee to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

In case of loss under this policy and a failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of such loss shall be referred to three disinterested men, the company and the insured each choosing one out of the three persons to be named by the other, and the third being selected by the two so chosen; the award in writing by a majority of the referees shall be conclusive and final upon the parties as to the amount of loss or damage, and such reference unless waived by the parties, shall be a condition precedent to any right of action in law or equity to recover for such loss; but no person shall be chosen or act as a referee, against the objection of either party, who has acted in a like capacity within four months.

No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this state unless commenced within two years from the time the loss occurred.

In witness whereof, the said company has caused this policy to be signed by its president, and attested by its secretary, or by such proper officers, as may be designated, at their office, in . Date .'

In case of loss under any fire insurance policy, issued on property in this state, in the standard form above set forth, and the failure of the parties to agree as to the amount of loss, if the insurance company shall not, within ten days after a written request to appoint referees under the provision for arbitration in such policy, name three men under such provision, each of whom shall be a resident of this state, and willing to act as one of such referees; and if also such insurance company shall not, within ten days after receiving the names of three men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such referees, it shall be deemed to have waived the right to an arbitration under such policy, and be liable to suit thereunder, as though the same contained no provision for arbitration as to the amount of loss or damage. And in case of the failure of two referees, chosen, respectively by the insurance company and the insured, to agree upon and select within ten days from their appointment a third referee willing to act in said capacity, either of the parties may, within twenty days from the expiration of said ten days make written application setting forth the facts to the insurance commissioner to appoint such third referee, and said commissioner shall thereupon make such appointment and shall send written notification thereof to the parties.

SECT. 2. Any insurance company or agent who shall make, issue or deliver a policy of fire insurance in willful violation of this act shall forfeit for each offense not less than fifty nor more than two hundred dollars; but such policy shall nevertheless be binding upon the company issuing the same.

SECT. 3. All acts or parts of acts inconsistent herewith, are hereby repealed. [Approved February 14.]

Chapter 19.

AN ACT to amend chapter ninety of the Public Laws of one thousand eight hundred and ninety-one, entitled "An Act relating to the Salary of the County Commissioners of Cumberland County."

That section one of said chapter ninety be amended by inserting after the word "products" in the eleventh line of said section the words 'excepting actual necessary expenses incurred in going outside of the county for the transaction of official business, all bills for such expenses to be approved by the clerk of courts and county attorney of said county,' so that said section as amended, shall read as follows:

'SECT. 1. From and after the first day of April in the year of our Lord one thousand eight hundred and ninety-one, the compensation of each of the county commissioners of the county of Cumberland shall be a salary, the chairman shall receive the sum of nine hundred and fifty dollars, and each of the other commissioners shall receive the sum of eight hundred and fifty dollars annually, payable from the county treasury, in quarterly payments, on the first days of January, April, July and October, in full for all services, expenses and travel, including the management of the jail workshop and the sale of its products, excepting actual necessary cash expenses incurred outside of the county for the transaction of official business, all bills for such expenses to be approved by the clerk of courts and county attorney of said county; at least a majority of said board shall be in attendance at their office in Portland on all secular days except when official business calls them elsewhere.' [Approved February 14.]

Chapter 20,

AN ACT to establish the salary of the judge of probate for the County of Kennebec.

SECT. 1. The salary of the judge of probate for the county of Kennebec shall be one thousand dollars, instead of the sum now fixed by law.

SECT. 2. This act shall take effect when approved. [Approved February 14.]

Chapter 21.

AN ACT to amend section twelve of chapter one hundred and forty of the Revised Statutes relating to State Prison.

SECT. 1. Section twelve of chapter one hundred and forty of the revised statutes is hereby amended so that said section as amended, shall read as follows:

'SECT. 12. The inspectors shall visit all the jails at least once in every three months, and inquire into the management of the same, give such advice in relation thereto as they deem useful and proper, classify all convicts in said jails, having regard to age, character and offenses; and for that purpose may order the county commissioners of either of the counties to make such alteration in their several jails as the inspectors deem necessary, in order to classify the convicts therein, and persons charged with crime; and if said commissioners, after such order, neglect or refuse to make such alteration, or to provide for the classification of convicts and persons charged with crime, the inspectors may cause said convicts and persons charged with crime to be removed to any jail where such alteration or provision for classification has been made, and the expense of the removal and keeping of such convicts or person shall be paid by the county from which such convict or persons is removed, and they may require the keeper of said jail to keep a calendar, with such statistics in relation to his jail as they may deem useful for future reference. Said inspectors may remove prisoners from jails where no arrangements have been made for the labor of convicts, to some work jail, and when any jail has a larger number of convicts, either in custody or at labor than can be well accommodated, they may remove a portion of them to any other jail where better accommodations can be afforded, any jail where arrangements have been made or shall be hereafter made for the labor of convicts committed for any special crime, or class of crimes, at any special kind of labor, shall be deemed a work jail. For the removal of convicts as aforesaid, the inspectors may issue precepts to any officer qualified to serve precepts in criminal cases in his county, to cause such removal, whether such service is performed in whole or in part in one or more counties, and the expense of removal shall be paid by the county in which such convicts were sentenced. The inspectors shall make a report of the condition of all the prisons to the governor and council by the thirtieth day of November annually.'

SECT. 2. This act shall take effect when approved. [Approved February 18.]

Chapter 22.

AN ACT to fix the salary and allowances of the Register of Deeds for the County of Kennebec.

SECT. 1. The register of deeds for Kennebec county shall receive an annual salary of fifteen hundred dollars and an additional allowance of eight hundred dollars per year for clerk hire, said salary to be paid from the county treasury and to be instead of the fees now provided by law; which fees shall be paid into the county treasury for the use of said county.

SECT. 2. This act shall take effect April one, in the year of our Lord eighteen hundred and ninety-five. [Approved February 18.]

Chapter 23.

AN ACT to amend section three of chapter one hundred and fifteen of Revised Statutes, relating to the salary of the Judge of Probate of Cumberland county.

From and after the first day of January in the year of our Lord one thousand eight hundred and ninety-five, the salary of the judge of probate for the county of Cumberland shall be twenty-five hundred dollars; and the fees and compensation to which he is entitled by law as judge of the court of insolvency shall be taxed, collected and paid over by the register to the county treasurer for the use of said county. [Approved February 18.]

Chapter 24.

AN ACT to amend section ten of chapter two hundred and seventeen of the Public Laws of eighteen hundred and ninety-three, relating to production of books and papers in actions at law.

Section ten of chapter two hundred seventeen of the public laws of eighteen hundred and ninety-three is hereby amended by adding thereto the following: 'In case of unreasonable delay or refusal in complying with such requirement the court may order a nonsuit or default as the case may require,' so that said section as amended, shall read as follows:

'SECT. 10. Where books, papers, or written instruments material to the issue in any action at law pending in the supreme judicial court or in the superior courts, are in the possession of the opposite party, and access thereto refused, the court upon motion, notice and hearing, may require their production for inspection. In case of unreasonable delay or refusal in complying with such requirement the court may order a nonsuit or default as the case may require.' [Approved February 18.]

Chapter 25.

AN ACT to amend section one of chapter fifty-two of the Public Laws of eighteen hundred and eighty-seven, entitled "An Act creating a lien on Colts."

Section one of chapter fifty-two of the public laws of eighteen hundred and eighty-seven, creating a lien on colts is hereby amended as follows: by striking out the word "five" in the fourth line of said section, and inserting the word 'six' in the same line, so that said section as amended, shall read as follows:

'SECT. 1. A lien is hereby created on all colts hereafter foaled in this state, to secure the payment of the service fee, for the use of the stallion begetting the same. Such lien is to continue in force until the foal is six months old, and may be enforced during that time by attachment of such foal.' [Approved February 18.]

Chapter 26.

AN ACT to repeal chapters two hundred and eighty-five and two hundred and eighty-six of the laws of eighteen hundred and ninety-three, relating to Insurance and Fire Insurance Contracts.

SECT. 1. Chapters two hundred and eighty-five and two hundred and eighty-six of the laws of eighteen hundred and ninety-three are hereby repealed.

SECT. 2. This act shall take effect when approved. [Approved February 18.]

Chapter 27.

AN ACT to establish the fees of the Clerk of Courts for Somerset County.

SECT. 1. On and after the first day of January in the year of our Lord eighteen hundred and ninety-five, the compensation of the clerk of courts for Somerset county for all services for which bills are ordinarily and properly allowed by the county commissioners for said county, shall be six hundred dollars per annum; and all other fees of office, including fees for attendance upon the supreme judicial court, shall remain as heretofore established.

SECT. 2. All acts and parts of acts, inconsistent with this act, are hereby repealed. [Approved February 18.]

Chapter 28.

AN ACT to amend section one of chapter sixty-two of the Revised Statutes, relating to Masters, Apprentices and Servants.

SECT. 1. Section one of chapter sixty-two of the revised statutes, is hereby amended by striking out from the first three lines thereof, the following words, namely: "children under the age of fourteen may be bound as apprentices or servants, until that age, without their consent, by their father, if living, if not, by their mother or legal guardian," and inserting in place thereof the following: In all cases where the care of the person, and the education of minors under fourteen years of age have been intrusted to the parents, or to either of them, or to a legal guardian, under the provisions of section third of chapter sixty-seven of the revised statutes, such children may be bound as apprentices or servants, until that age, without their consent, by the parents or parent so intrusted; or by the guardian so intrusted, with the approval of the judge of probate, and in all other cases, such children may be bound as apprentices or servants, until that age, without their consent, by their father and mother, if living; if either has deceased, by the survivor. If both have deceased, by the legal guardian with the approval of the judge of probate as aforesaid, so that said section as amended, shall read as follows:

'SECT. 1. In all cases where the care of the person, and the education of minors under fourteen years of age, have been intrusted to the parents, or to either of them, or to a legal guardian, under the provisions of section third of chapter sixty-seven of the revised statutes, such children may be bound as apprentices or servants, until that age, without their consent, by the parents or parent so intrusted, or by the guardian so intrusted with the approval of the judge of probate and in all other cases, such children may be bound as apprentices or servants, until that age, without their consent, by their father and mother, if living, if either has deceased, by the survivor, if both have deceased, by the legal guardian with the approval of the judge of probate as aforesaid, and if they have no parent or guardian, they may bind themselves with the approbation of the municipal officers of the town where they reside. The indenture shall, on the part of such parents or guardians, continue in force for the time mentioned in the following section, provided, that the children, on reaching the age of fourteen, give their consent, as provided in said section.' [Approved February 21.]

Chapter 29.

AN ACT to amend section ten of chapter seventeen of the Revised Statutes, relating to Fences and Buildings fronting on public ways.

Section ten of chapter seventeen of the revised statutes is hereby amended by adding to said section after the last word thereof, the following, 'and amendments thereto, unless the owner of same shall be estopped as therein provided, from justifying his occupation within the limits of said way,' so that the section as amended, shall read:

'SECT. 10. The erection and maintenance of water mills and dams to raise water for working them upon or across streams not navigable as provided in chapter ninety-two, shall not be deemed a nuisance unless they become offensive to the neighborhood, or injurious to the public health, or unless they occasion injuries or annoyances of a kind not authorized by said chapter. Fences and buildings fronting on public ways, commons, or lands appropriated to public use, shall not be deemed nuisances when erected for the times and in the manner provided in section ninety-five of chapter eighteen, and amendments thereto, unless the owner of the same shall be estopped as therein provided from justifying his occupation within the limits of said way.' [Approved February 21.]

Chapter 30.

AN ACT to amend chapter ninety-one of the Revised Statutes, by providing a remedy for the enforcement of liens on buildings and lots by bill in equity.

SECT. 1. Section thirty of chapter ninety-one of the revised statutes is hereby amended by striking out the words, "attachment; and if a levy is made thereon the appraisers may set out a suitable lot for said building, if they think the whole is not needed therefor," in lines five, six, seven and eight, and by inserting in lieu thereof the words, 'bill in equity.' Also, by striking out the word "suit" in line twelve, and inserting in lieu thereof the words, 'bill in equity;' so that said section shall read as follows:

'SECT. 30. Whoever performs labor or furnishes labor or materials in erecting, altering, moving or repairing a house, building or appurtenances, by virtue of a contract with or by consent of the owner, has a lien thereon, and on the land on which it stands and on any interest such owner has in the same, to secure payment thereof, with costs, to be enforced by bill in equity. If the owner of the building has no legal interest in the land on which the building is erected or to which it is moved, the lien attaches to the building, and may be inforced as above provided, and if the owner of such land or building so contracting, is a minor or married woman, such lien shall exist, and such minority or coverture shall not bar a recovery in any bill in equity brought to inforce it.'

SECT. 2. The liens mentioned in sections thirty, thirty-one, thirty-two and thirty-three of chapter ninety-one of the revised statutes, may be preserved and inforced by bill in equity against the debtor and owner of the property affected, and all other parties interested therein, filed with the clerk of court, in the county where the house, building or appurtenances, on which a lien is claimed, is situated, within ninety days after the last of the labor is performed or labor or materials are so furnished, and not otherwise, except as hereinafter provided.

SECT. 3. The bill shall state that the plaintiff claims a lien on the house, building, or appurtenances described therein, and the land on which it stands, for labor performed, or for labor or materials furnished, in erecting, altering, moving or repairing said house, building, or appurtenances, as the case may be; whether it was by virtue of a contract with, or by consent of the owner, and if not, that the claimant has complied with the provisions of section thirty-two of said chapter. And the bill shall pray that the property be sold and the proceeds applied to the discharge of such lien. Two or more lienors may join in filing and prosecuting such a bill. Other lienors may be made parties; other lienors may become parties, and preserve and inforce their liens on said property, provided, their petitions therefor, setting forth their claims in substance, as required in a bill as aforesaid, be filed with the clerk within ninety days after the last labor is performed, or the last labor or materials are furnished by them, as aforesaid. The court may consolidate two or more bills claiming liens on the same property, into one proceeding, if justice shall so require. Any mortgagee or other person having a claim upon, or interested legally or equitably in said property, may be made a party. The court shall have power to determine all questions of priority of lien or interest, if any, between parties to the proceeding.

SECT. 4. The court shall determine the amount for which each lienor has a lien upon the property, by jury trial, if either party so requests in bill, petition or answer; otherwise in such manner as the court shall direct. And such determination shall be conclusive as to the fact and amount of the lien subject to appeal and exceptions according to the practice in equity. Any lienor may contest another lienor's claim upon issues framed under direction of the court.

SECT. 5. If it is determined that the parties or any of them, claiming a lien, have a lien upon said building and land, the court may decree that said property, or such interest in it as is subject to the liens, or any of them, shall be sold, and shall prescribe the place, time, terms, manner and conditions of such sale. And any justice, in term time or vacation, may order an adjournment of such sale from time to time. And a deed of the officer of the court, appointed to make such sale, recorded in the registry of deeds where the land lies, within three months after the sale, shall convey all the title of the debtor and the owner in the property ordered to be sold. And if justice requires, the court may provide in the order of sale, that the owner shall have a right to redeem the property from such sale within a time fixed in the order of sale. If the court shall determine that the whole of the land, on which the lien exists is not necessary therefor, it shall describe in the order of sale a suitable lot therefor, and only so much shall be sold. The lienors shall share, pro rata; provided, their bills or petitions therefor are filed with the clerk of court prior to the order of sale, and within the ninety days mentioned in sections two and three. The court may make such decree in regard to costs as is equitable.

SECT. 6. If the proceeds of the sale after payment of costs and expenses of sale, are insufficient to pay the lien claims and costs in full, the court may render judgment against the debtor in favor of each individual lienor, for the balance of his claim and costs remaining unpaid, and may issue executions therfor. If the proceeds of sale after the payment of costs and expenses of sale, are more than sufficient to pay the lien claims and all costs in full, the balance remaining shall be paid to the person or persons legally or equitably entitled thereto.

SECT. 7. Any owner of a building or real estate, upon which a lien is claimed as aforesaid, may petition in writing a justice of the supreme judicial court in term time or vacation, setting forth the name of the lienor, the court and county in which it is returnable or pending, the fact that a lien is claimed thereon under sections thirty, thirty-one, thirty-two and thirty-three of said chapter, the particular building or real estate, and his interests therein, its value and his desire to have it released from said lien. Such justice shall issue a written notice, which shall be served on the lienor, or his attorney, ten days at least, prior to the time fixed therein for a hearing. At the hearing, such justice may order such owner to give bonds to the lienor, in such amount and with such sureties as he may approve, conditioned to pay the amount, for which such lienor may be entitled to a lien, as determined by the court, with his costs on the petition, within thirty days after final decree or judgment. The clerk shall give the petitioner an attested copy of the petition and proceedings, with a certificate under seal of the court attached thereto, that such bond has been duly filed in his office; and the record of such copy and certificate in the registry of deeds, in the county where such real estate or interest therein lies, vacates the lien.

SECT. 8. When any bill or petition provided for in this act in which a lien is claimed on real estate is filed with clerk, he shall forthwith file a certificate setting forth the names of the parties, the date of the bill or petition, and of the filing thereof, and a description of the said real estate as described in said bill or petition in the registry of deeds for the county in which the land is situated. The register shall record the same in a suitable book, and shall receive therefor the sum of twenty-five cents. For each such certificate the clerk shall be entitled to receive the sum of twenty-five cents.

SECT. 9. All acts and parts of acts inconsistent herewith are hereby repealed, but the passage of this act shall not affect suits pending when it takes effect. [Approved February 21.]

Chapter 31.

AN ACT to amend section fifty-four, chapter forty, of the Revised Statutes, as amended by chapter two hundred and seventy-one of the Public Laws of one thousand eight hundred and eighty-five, relating to the number of pounds of Trout and Salmon to be taken.

SECT. 1. Section fifty-four of chapter forty of the revised statutes, as amended by chapter two hundred and seventy-one, public laws of one thousand eight hundred and eighty-five, is hereby amended as follows: By striking out the word "fifty" in the third line, and insert the word 'twenty-five;' also, by striking out the word "fifty" in the eighth and twelfth lines of said section, and inserting the word 'twenty-five'; also, by adding to said section the following words, 'provided, however, that the taking of one fish, additional, when having less than twenty-five pounds, shall not be regarded a violation of the law'; so that said section, as amended, shall read as follows:

'SECT. 54. No person shall take, catch, kill, or have in possession, at any one time, for the purpose of transportation, more than twenty-five pounds of land-locked salmon or trout, in all, nor shall any such be transported except in the possession of the owner thereof, under a penalty of fifty dollars for the offense, and five dollars for every pound of land-locked salmon or trout, in all, so taken, caught, killed, in possession, or transportation, in excess of twenty-five pounds, and all such fish transported in violation of this section, may be seized, on complaint, and shall be forfeited to the prosecutor. Whoever has in his possession more than twenty-five pounds in all of such fish, shall be deemed to have taken them in violation of this section. Provided, however, that the taking of one fish additional, when having less than twenty-five pounds shall not be regarded a violation of the law.' [Approved February 21.]

Chapter 32.

AN ACT to amend section five of chapter one hundred and eleven of the Revised Statutes, relating to Personal Property bargained and delivered to another, which shall remain the property of the seller till paid for.

SECT. 1. Section five of chapter one hundred and eleven of the revised statutes, is hereby amended by striking out all after the word "another" in the second line, and inserting instead thereof the following: 'shall remain the property of the seller till paid for, is valid unless the same is in writing and signed by the person to be bound thereby. And when so made and signed, whether said agreement is, or is called a note, lease, conditional sale, purchase on installments, or by any other name, and in whatever form it may be, it shall not be valid except as between the original parties thereto, unless it is recorded in the office of the clerk of the town in which the purchaser resides at the time of the purchase. The fee for recording the same shall be the same as that for recording mortgages of personal property. All said agreements, whether recorded or not, shall be subject to redemption; but the title may be foreclosed in the same manner as is provided for mortgages of personal property,' so that said section as amended, shall read as follows:

'SECT. 5. No agreement that personal property bargained and delivered to another, shall remain the property of the seller till paid for, is valid unless the same is in writing and signed by the person to be bound thereby. And when so made and signed, whether said agreement is, or is called a note, lease, conditional sale, purchase on installments, or by any other name, and in whatever form it may be, it shall not be valid, except as between the original parties thereto, unless it is recorded in the office of the clerk of the town in which the purchaser resides at the time of the purchase. The fee for recording the same shall be the same as that for recording mortgages of personal property. All said agreements, whether recorded or not, shall be subject to redemption; but the title may be foreclosed in the same manner as is provided for mortgages of personal property.' [Approved February 21.]

Chapter 33.

AN ACT to amend section ninety-five, chapter eighteen, of the Revised Statutes, relating to Buildings and Fences within the limits of streets and highways.

Section ninety-five of chapter eighteen of the revised statutes, is hereby amended by adding after the last word of said section, the following: 'Persons owning lands beside a highway or town way on which are buildings or fences that encroach within the limits of said way may by a writing under seal, by them signed and acknowledged as deeds are acknowledged and recorded in the registry of deeds for the county in which the land lies, admit to the municipal officers of the town in which said way exists, the true bounds or limits of said way and the extent of their wrongful occupancy thereof. And thereafter such persons and all claiming title under or through them shall be estopped from asserting any right to the continuance of such buildings or fences within said limits, for the full term of forty years from the date of such deed,' so that the section as amended, shall read:

'SECT. 95. When buildings or fences have existed more than twenty years fronting upon any way, street, lane, or land appropriated to public use, the bounds of which cannot be made certain by records or monuments, such buildings or fences shall be deemed the true bounds thereof. When the bounds can be so made certain, no time less than forty years will justify their continuance thereon, and on indictment and conviction they may be removed. Persons owning lands beside a highway or town way, on which are buildings or fences that encroach within the limits of said way, may by a writing under seal, by them signed and acknowledged, and recorded in the registry of deeds for the county in which the land lies, admit to the municipal officers of the town in which said way exists, the true bounds or limits of said way, and the extent of their wrongful occupancy thereof. And thereafter such persons, and all claiming title under or through them, shall be estopped from asserting any right to the continuance of such buildings or fences within said limits, for the full term of forty years from the date of such deed.' [Approved Feb. 21.]

Chapter 34.

AN ACT to amend section thirty-two of chapter ninety-one of the Revised Statutes, relating to Liens.

Section thirty-two of chapter ninety-one of the revised statutes, is hereby amended by striking out the word "thirty" and inserting the word 'forty,' so that said section as amended, shall read as follows:

'SECT. 32. The lien mentioned in the preceding section shall be dissolved unless the claimant within forty days after he ceases to labor or furnish materials as aforesaid, files in the office of the clerk of the town in which such building is situated, a true statement of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien, sufficiently accurate to identify it, and the names of the owners, if known, which shall be subscribed and sworn to by the person claiming the lein, or by some one in his behalf, and recorded in a book kept for that purpose by said clerk, who is entitled to the same fees therefor as for recording mortgages.' [Approved Feb. 21.]

Chapter 35.

AN ACT to create a Lien for towing Logs.

SECT. 1. Owners of steamboats employed in towing logs or lumber on any of the inland waters of this state, shall have a lien on such logs or lumber for the amount due for such towing. Said lien shall take precedence of all other claims except liens reserved to the state, labor liens and liens for stumpage.

SECT. 2. Section forty-two of chapter ninety-one of the revised statutes, is hereby made applicable to suits brought to enforce the above lien.

SECT. 3. This act shall take effect when approved. [Approved Feb. 21.]

Chapter 36.

AN ACT to amend chapter thirty of the Revised Statutes, relating to the protection of Game.

Section ten of the revised statutes as amended by section two of chapter ninety-five of the public laws of one thousand eight hundred ninety-one, is hereby amended by striking out all of said section after the word "dogs" in the second line and inserting the following words, 'jack lights, so called, torches, snares, or traps, any deer or caribou, forfeits forty dollars for every deer or caribou so hunted, caught, killed or destroyed, and be imprisoned not exceeding thirty days; and no person shall, between the first days of January and October, in any manner, hunt, catch, kill, destroy, or have in possession any deer or caribou, or part thereof, taken in close time, under the same penalty,' so that said section as amended, shall read as follows:

'SECT. 10. Whoever hunts, catches, kills or destroys with dogs, jack lights, so called, snares, or traps, any deer or caribou, forfeits forty dollars for every deer or caribou so hunted, caught, killed or destroyed, and be subject to imprisonment thirty days, and no person shall, between the first days of January and October, in any manner, hunt, catch, kill, destroy or have in possession any deer or caribou, or part thereof, taken in close time, under the same penalty. Any person may lawfully kill any dog found hunting moose, deer or caribou, or kept or used for that purpose. Any person owning or having in possession any dog for the purpose of hunting moose, deer or caribou, or that is kept or used for such hunting, forfeits not less than twenty nor more than one hundred dollars for each dog so owned, kept, used or in possession.' [Approved Feb. 21.]

Chapter 37.

AN ACT to amend section two of chapter sixty-four of the Public Laws of eighteen hundred and ninety-one, relating to the employment of Stenographers at hearings and examinations in courts of probate and courts of insolvency.

SECT. 1. Section two of chapter sixty-four of the public laws of eighteen hundred and ninety-one, is hereby amended by adding at the end of said section, the following words: 'But any person whose testimony or examination has been so taken, may, with the consent of the judge, waive, in writing, the singing of the transcript, and in such case the stenographer shall read his notes to such person before the hearing or examination is closed, and if they are found to be correct, or if alleged errors and mistakes are either corrected, or proceedings are had in relation to the same in like manner as provided in section three, with reference to transcripts, the transcript of such testimony or examination shall be deemed to be complete and correct without signing and shall have the same effect, as if signed,' so that the said section as amended, shall read as follows:

'SECT. 2. When a transcript has been made as provided by section one of this act, it shall be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or his counsel, in writing, waives such reading, and if it is found to be correct, or if it contains errors or mistakes, or alleged errors or mistakes, and such errors or mistakes are either corrected or the proceedings had in relation to the same as hereinafter provided, such transcript shall be signed by the person whose testimony or examination it is, in all cases where the person testifying or submitting to examination is required by law to sign his testimony or examination. When the reading of a transcript is waived as provided by this section, such transcript shall be deemed correct. But any person whose testimony or examination has been so taken, may, with the consent of the judge, waive, in writing, the signing of the transcript, and in such case, the stenographer shall read his notes to such person before the hearing or examination is closed, and if they are found to be correct, or if alleged errors or mistakes are either corrected, or proceedings are had in relation to to the same, in like manner as provided in section three with reference to transcripts, the transcript of such testimony or examination shall be deemed to be complete and correct without signing, and shall have the same effect as if signed.'

SECT. 2. Whenever it becomes necessary, in any court in the state, to prove the testimony or examination taken, as provided in this act, the certified copy of the notes of such testimony or examination, taken by such stenographer, is evidence to prove the same. [Approved February 21.]

Chapter 38.

AN ACT to amend section twenty-seven of chapter seventy-three of the Revised Statutes, relating to recording Unrecorded Deeds

Section twenty-seven of chapter seventy three of the revised statutes, is hereby amended by striking out the words, "and tender to him, or leave with the register, the legal fees therefor," in lines three and four of said section, and by adding at the end of said section the following words, 'together with the legal fees of the register for recording such deed or other evidence of title,' so that said section as amended, shall read as follows:

'SECT. 27. A person having an interest in real estate of which any prior grantee has an unrecorded deed or other evidence of title, may give the latter personal notice in writing to have the same recorded; and if he neglects to have it so recorded for thirty days, a justice of the supreme judicial court, in session or vacation, on complaint, may cause said grantee or his heirs to be brought before him for examination, and unless sufficient cause is shown for such neglect, may order such deed or other evidence of title to be recorded, and the cost paid by the respondent, together with the legal fees of the register for recording such deed or other evidence of title.' [Approved February 21.]

Chapter 39.

AN ACT to amend section one, chapter ninety-one of the Revised Statutes, relating to Mortgages of Personal Property.

Section one of chapter ninety-one of the revised statutes is hereby amended by inserting after the word "resides" in line five, the words 'when the mortgage is given,' and by inserting after the word "reside" in line nine, the words 'when the mortgage is given,' so that said section as amended, shall read as follows:

'SECT. 1. No mortgage of personal property is valid against any other person than the parties thereto, unless possession of such property is delivered to, and retained by the mortgagee, or the mortgage is recorded by the clerk of the city, town or plantation organized for any purpose, in which the mortgagor resides, when the mortgage is given. When all the mortgagors reside without the state, the mortgage shall be recorded in said city, town or plantation, where the property is when the mortgage is made; but if a part of the mortgagors reside in the state, then in the cities, towns or plantation in which such mortgagors reside, when the mortgage is given. A mortgage made by a corporation, shall be recorded in the town where it has its established place of business. If any mortgagor resides in an unorganized place, the mortgage shall be recorded in the oldest adjoining town or plantation, organized as aforesaid, in the county.'

[Approved February 21.]

Chapter 40.

AN ACT to amend section twenty of chapter three hundred and four of the Public Laws of eighteen hundred and ninety-three, relating to Registration of Voters.

SECT. 1. Section twenty of said chapter is hereby amended by striking out the word "twenty-five" in the fourth and fifth lines, and substituting therefor the word 'nineteen,' so that said section as amended, shall read as follows:

'SECT. 20. Said boards of registration shall be in session from nine in the forenoon to one o'clock in the afternoon, and from three to five o'clock in the afternoon, and from seven to nine o'clock in the afternoon, in cities of not less than nineteen thousand inhabitants, on each of the twelve secular days next prior to any election on the first nine of said secular days, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the latter three of said secular days, to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions. And in all other cities, for the same purpose, and at the same hours on each of the five secular days next prior to any election, the first four thereof to be devoted to registration as above, and the last one of said secular days to enable the board to verify the correctness of said lists and to complete and close up its records of said session. And on the last of said secular days, at five o'clock in the afternoon, certified copies of said voting lists shall be delivered to the clerks of said cities and receipts taken therefor, except that on the last of said days devoted to registration and on the last of said days devoted to the records as above, the sessions of the board shall close at five o'clock in the afternoon, but no name shall be added to or stricken from said lists after five o'clock in the afternoon of the last of said days devoted to registration as above. Said board shall not place upon said lists during said revision of the same, the name of any person who shall not personally appear before said board and request it, and during said time said board shall revise and correct the voting lists. And the wardens of cities shall be governed by said revised and corrected lists; and no names shall be added to or stricken from said lists on the day of election, and no person shall vote at any election whose name is not on said lists. No board of registration shall be answerable for any omission of a name or residence from the voting lists or for any error in the same, unless such name and residence are correctly entered in the general register of voters; but on the day of election said board shall be in session, and shall give to any registered voter whose name has been omitted from the voting list, or in whose name or residence as placed on said voting list a clerical error has been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on the certificate, and securely attach the certificate to the voting list. Should this act be in full force and effect at the municipal elections in said cities for the year one thousand eight hundred and ninety-five, then no further notice shall be given by the clerks of said cities than is now required by law.'

SECT. 2. This act shall take effect when approved. [Approved February 21.]

Chapter 41.

AN ACT to amend section three of chapter sixty-seven of the Revised Statutes, relating to Appointment of Guardians.

SECT. 1. Section three of chapter sixty-seven of the revised statutes, as amended by chapter two hundred and seventy-five of the public laws of eighteen hundred and ninety-three, is hereby amended by striking out from the third, fourth, fifth and sixth lines thereof, the following words, namely: "but the father if competent, otherwise the mother if competent, shall have the care of the person and education of the minor," and inserting in place thereof, the following, namely: 'but the care of the person and the education of the minor, shall be jointly with the father and mother, if competent; or if one has deceased, with the survivor, if competent,' so that said section as amended, shall read as follows:

'SECT. 3. Such guardian shall have the care and management of all his ward's estate, and continue in office until the ward is twenty-one years of age, unless sooner lawfully discharged; but the care of the person, and the education of the minor, shall be jointly with the father and mother, if competent, or if one has deceased, with the survivor, if competent; otherwise these duties devolve on the guardian; and in any case, the judge may decree them to him, if he deems it for the welfare of the minor, until his further order.'

SECT. 2. Section twenty of said chapter sixty-seven is hereby repealed.

[Approved Feb. 21.]

Chapter 42.

AN ACT to amend section eleven of chapter one hundred eighty-six of the Public Laws of one thousand eight hundred and eighty-nine, relating to State Aid to Agricultural Societies.

Section eleven, chapter one hundred eighty-six of the public laws of one thousand eight hundred and eighty-nine is hereby amended by inserting after the word "societies" in the seventh line of said section, the words 'provided, that the stipend shall herewith be based entirely upon the premiums and gratuities awarded on exhibition stock and products' and by adding to said section the following words 'provided also, that each of the said societies shall cause the prohibitory liquor law to be enforced on all grounds over which they have control, and not allow gambling in any form, or games of chance on said grounds.' So that the section as amended, shall read as follows:

'SECT. 11. There shall be appropriated annually from the state treasury, a sum of money not exceeding one cent to each inhabitant of the state, which shall be divided among the legally incorporated agricultural societies of the state not provided for by special enactment, according to the amount of premiums and gratuities awarded by said societies, provided, that the stipend shall herewith be based entirely upon the premiums and gratuities awarded on exhibition stock and products, and provided that no society shall receive from the state a sum greater than that actually raised and paid by the society for said purposes. But the Penobscot and Aroostook Union Agricultural Society may annually receive as much as is raised by it, not exceeding one hundred dollars, without regard to population, and the Waldo and Penobscot Agricultural Society, as much as is raised by it, not exceeding two hundred and fifty dollars, and the Ossipee Valley Union Agriculture Society, not exceeding two hundred dollars; provided also, that each of the said societies shall cause the prohibitory liquor law to be enforced on all grounds over which they have control, and not allow gambling in any form, or games of chance on said grounds.' [Approved Feb. 23.]

Chapter 43.

AN ACT in relation to the care and custody of Minor Children.

SECT. 1. Fathers and mothers shall jointly have the care and custody of the person of their minor children.

SECT. 2. If the father and mother of a minor child are living apart from each other, the judge of probate in the county where either resides, on petition of either, and after such notice to the other as he may order, may decree which parent shall have the care and custody of the person of such minor as the good of the child may require; which decree shall be in force until further order of the judge of probate.

SECT. 3. An appeal shall lie from the decree of the judge of probate to the supreme court of probate, which appeal shall be heard and determined by the justice presiding, but the decree of the judge of probate shall be in force until reversed.

SECT 4 This act shall not be construed to deprive the supreme judical court of its jurisdiction over the care and custody of minor children, under the provisions of sections six and seventeen of chapter sixty of the revised statutes, relating to divorce proceedings.

[Approved Feb. 23.]

Chapter 44.

AN ACT to amend section forty-seven of chapter six of the Revised Statutes, in regard to Street Railroads.

SECT. 1. Section forty-seven of chapter six of the revised statutes, is hereby amended by striking out the word "horse" in the first line of said section, and inserting in the place thereof the word 'street,' so that said section as amended, shall read as follows:

'SECT. 47. Street railroad corporations and associations are subject to the six preceding sections, and to section four, except that the tax shall be ascertained as follows; when the gross average receipts per mile do not exceed one thousand dollars, the tax shall be equal to one tenth of one per cent on the gross transportation receipts; and for each thousand dollars additional average gross receipts per mile, or fractional part thereof, the rate shall be increased one tenth of one per cent.'

SECT. 2. This act shall take effect when approved. [Approved Feb. 23.]

Chapter 45.

AN ACT to amend section two of chapter two hundred forty-two of the Public Laws of eighteen hundred ninety-three, relating to Free Public Libraries.

Section two of chapter two hundred forty-two of the public laws of eighteen hundred ninety-three, is hereby amended by inserting therein after the words, "for the use and benefit of such free public library," the following words: 'and for the payment of the running expenses thereof;' so that said section as amended, shall read as follows:

'SECT. 2. The municipal officers in any town or city where a free public library is established, shall annually, on the first day of May, certify to the state treasurer the amount of money appropriated and expended by said town or city during the preceding year for the purchase of books and documents for the use and benefit of such free public library and for the payment of the running expenses thereof; and the state treasurer thereupon shall pay to said town from the state treasury, for the purchase of books for the use of such library, a sum equal to ten per cent of the amount expended by said town as certified by its municipal officers.' [Approved Feb. 23.]

Chapter 46.

AN ACT to amend chapter two hundred and twenty-three of the Public Laws of eighteen hundred and ninety-three, relating to Accident or Casualty Insurance Companies.

Chapter two hundred and twenty-three of the public laws of eighteen hundred and ninety-three is hereby amended by striking out the word "sixty," in the seventh and ninth lines thereof and inserting the word 'thirty' so that said act as amended, shall read as follows: 'no conditions, stipulations, or agreements contained in any application for insurance in any foreign or domestic casualty or accident insurance company, or contained in any policy issued by any such company, or in any way made by any such company, limiting the time within which notice of the accident or injury, or death, shall be given to such company, to a period of less than thirty days after the happening of the accident or injury, or death, shall be valid. Said notice may be given to the company insuring, at any time within thirty days after the happening of the accident or injury, or death and shall be valid and binding on the company.' [Approved Feb 25.]

Chapter 47.

AN ACT to amend section eight of chapter eleven of the Revised Statutes, as amended by chapter two hundred sixty-eight of the Public Laws of one thousand eight hundred and eighty-nine, relating to School Books.

Section eight of chapter eleven of the revised statutes, as amended by chapter two hundred and sixty-eight of the public laws of eighteen hundred and eighty-nine, is hereby amended by adding to said section the following: 'Provided, however, that any parent or guardian of any pupil in the public schools may, at his own expense, procure for the separate and exclusive use of such pupil the text books required to be used in such schools,' so that said section, as amended, shall read as follows:

'SECT. 8. Towns shall provide school books for the use of the pupils in the public schools, at the expense of said town, and all money raised and appropriated for that purpose shall be assessed like other moneys. Provided, however, that any parent or guardian of any pupil in the public schools may, at his own expense, procure for the separate and exclusive use of such pupil the text books required to be used in such schools.'

[Approved February 25.]

Chapter 48.

AN ACT relating to Safe Deposit Companies.

Whenever the amount due for the use of any safe, or box, in the vaults of any safe deposit company, shall not have been paid for three years, such corporation may, at the expiration of such period, cause to be sent to the person in whose name such safe, or box, stands on its books, a notice in writing in a securely closed, post-paid, registered letter, directed to such person at his post office address as recorded upon the books of the corporation, notifying such person that if the amount then due for the use of such safe, or box, is not paid within sixty days from the date of such notice, the corporation will then cause such safe or box, to be opened in the manner hereinafter provided; at the expiration of sixty days after the mailing of said notice, the corporation may then cause such safe or box, to be opened in the presence of its president, secretary or treasurer, and of a notary public not an officer, or in the employ of the corporation, and the contents of said safe or box, shall then be sealed up by such notary public in a package and a certificate of such sealing shall be indorsed thereon, signed by such notary and attested by his seal, and said package shall be distinctly marked with the name and address of the person in whose name such safe, or box, stands upon the books of the corporation, and the estimated value thereof; said package shall then be placed in one of the general safes or boxes of the corporation, and shall be held subject to redemption by the owner thereof, who shall be required to pay the rent due for said safe or box, and all costs and damages attending the opening thereof together with reasonable charges for the custody of said package by the corporation, and the corporation shall have a lien upon said package to secure the payment of such rent, damages and charges.

[Approved February 25.]

Chapter 49.

AN ACT relating to the taxation of **Express** Corporations, Companies or Persons.

SECT. 1. Section fifty-six of chapter six of the revised statutes, is hereby amended, so that said section as amended, shall read as follows:

'SECT. 56. Every such corporation, company or person, shall, by its properly authorized agent or office, annually, on or before the fifteenth day of May, make a return under oath to the state assessors, stating the amount of said receipts for all express matters carried within the state as specified in the preceding section; whereupon the state assessors shall, on or before the fifteenth day of June following, assess the tax therein provided, and forthwith certify the same to the treasurer of state, who shall thereupon notify said corporations, companies or persons, and said taxes shall be paid into the state treasury on or before the first day of May following.'

SECT. 2. Section fifty-seven of chapter six of the revised statutes, is hereby amended, so that said section as amended, shall read as follows:

'SECT. 57. The tax assessed upon express corporations, companies and persons as aforesaid, is in place of all local taxation, except that real estate owned by such corporations, companies or persons shall be taxed in the municipality where the same is situated, as non-resident real estate, but the amount of taxes assessed upon such portion of real estate owned and actually used by them in the transaction of their business shall be deducted by the state assessors from the tax hereinbefore provided.'

SECT. 3. Section fifty-eight of chapter six of the revised statutes, is hereby amended, so that said section as amended, shall read as follows:

'SECT. 58. Any corporation, company or person, neglecting to make returns according to section fifty six, forfeits twenty-five dollars for every day's neglect, to be recovered by action of debt in the name of the state.'

[Approved February 25.]

Chapter 50.

AN ACT to authorize Licensed **Taxidermists** to receive and have in possession Fish and Game, or parts thereof, for the purpose of mounting the same.

SECT. 1. The commissioners of inland fisheries and game may, upon application, issue a license to such persons as taxidermists, who, in their judgment, are skilled in that art, of good reputation and friendly to the fish and game laws of this state. For such license the applicant shall pay into the state treasury the sum of five dollars, to be credited as additional to the funds appropriated by the state to inland fisheries and game, and be in force for three years from the date of its issue, unless sooner revoked. Such licensee may at all times have in his possession at his place of business fish and game, or parts thereof, lawfully caught or killed in open time for the sole purpose of preparing for, and mounting the same; and such fish and game or parts thereof may be transported to such licensee and retained by him for the purposes aforesaid, under such rules, restrictions and limitations as shall, from time to time be made by said commissioners and stated in such original license and additions made thereto from time to time by said commissioners.

SECT. 2. Such licenses may be revoked by said commissioners at any time after notice and an opportunity for a hearing; and every licensee and carrier violating any of the provisions of this act, or of the rules, restrictions or limitations set out in said license and additions thereto, shall, on complaint before any trial justice or municipal or police court, be fined not less than twenty nor more than fifty dollars.

SECT. 3. All acts or parts of acts inconsistent with this act, are hereby repealed.

[Approved February 23.]

Chapter 51.

AN ACT to amend section thirteen of chapter sixty-four of the Revised Statutes, relating to probate of Foreign Wills.

Section thirteen of chapter sixty-four of the revised statutes is hereby amended in the ninth line thereof, by substituting for the words "thirty days" the words 'three weeks,' so that said section as amended, shall read as follows:

'SECT. 13. A will proved and allowed in another state or country, according to the laws thereof, may be allowed and recorded in this state in the manner and for the purposes hereinafter mentioned. A copy of the will and the probate thereof, duly authenticated, shall be produced by the executor, or by any person interested, to the judge of probate in any county in which there is estate, real or personal, on which the will can operate; whereupon the judge shall assign a time and place for hearing, and cause public notice thereof to be given, the first publication to be three weeks at least before the time so assigned. After such hearing, if the judge considers that the instruments should be allowed in this state as the will of the deceased, he shall order the copy to be filed and recorded.'

[Approved February 25.]

Chapter 52.

AN ACT to fix the salary of the Register of Probate for the county of Penobscot.

SECT. 1. From and after January one, eighteen hundred and ninety-five, the register of probate for the county of Penobscot shall receive an annual salary of thirteen hundred dollars, and an additional allowance of eight hundred dollars for clerk hire; said salary and allowance to be paid from the county treasury and to be instead of the salary and fees now provided by law, and all fees now received by said register as register of probate or register of insolvency shall be paid by said register into the county treasury for the use of the county.

SECT. 2. This act shall take effect when approved. [Approved February 25.]

Chapter 53.

AN ACT to amend section four, chapter two hundred and forty-two of the Laws of eighteen hundred and ninety-three, relating to Free Public Libraries.

SECT. 1. Section four of chapter two hundred and forty-two of the laws of eighteen hundred and ninety-three, is hereby amended by adding thereto the following words: "The aid from the state, hereby provided, shall be withheld from any town or city until the report herein required to be made on or before the first day of April of each year, shall have been received by the state librarian. And the same shall also be withheld, unless said report shall show that the laws, Maine reports, and other documents furnished to said town or city by the state, are kept in said library as required by this act." So that said section, as amended, shall read as follows:

'SECT. 4. In every town and city where a free public library exists, the state librarian shall transmit to such library all laws, Maine reports, and other documents which the town or city is by law entitled to receive from the state, and the same shall be constantly kept in such library for the use and benefit of all the citizens; and the municipal officers of said town or city, shall transfer to said library all the laws, Maine reports and other documents, heretofore received from the state, and now in custody of any of the officers of said town or city; and the officers of said library, on or before the first day of April of each year, shall send to the state librarian a report containing a list of all books and documents purchased with the state stipend for the preceding year, and of all books and documents received from the state in said library. The aid from the state, hereby provided, shall be withheld from any town or city until the report herein required to be made on or before the first day of April of each year, shall have been received by the state librarian. And the same shall also be withheld unless said report shall show that the laws, Maine reports and other documents furnished to said town or city by the state are kept in said library as required by this act.'

SECT. 2. This act shall take effect when approved. [Approved February 28.]

Chapter 54.

AN ACT relating to Larceny of Beasts and Birds.

Whoever without the consent of the owner and with a felonious intent, takes any beast or bird ordinarily kept in a state of confinement, and not the subject of larceny at common law, shall be deemed guilty of larceny.

[Approved February 28.]

Chapter 55.

AN ACT to amend section two of chapter one hundred and thirty-four of the Public Laws of one thousand eight hundred and eighty-seven, relating to the Fortnightly Payment of Wages.

Section two of chapter one hundred and thirty-four of the public laws of eighteen hundred and eighty-seven, is hereby amended by adding thereto the words 'by any employe to whom wages is then due,' so that said section as amended, shall read as follows:

'SECT. 2. Any corporation violating any of the provisions of this act, shall be punished by a fine not less than ten nor more than twenty-five dollars on each complaint under which it is convicted, provided, complaint for such violation is made within thirty days from the date thereof, by any employe to whom wages is then due.' [Approved February 28.]

Chapter 56.

AN ACT to amend section sixty-nine of chapter six of the Revised Statutes, relating to Taxes on Lands in places not incorporated.

SECT. 1. Section sixty-nine of chapter six of the revised statutes is hereby amended by adding at the end thereof the words, 'the state assessors shall make lists thereof with as many divisions as will secure equitable taxation, conforming as near as convenient to known divisions and separate ownership and report the same to each successive legislature,' so that said section as amended, shall read as follows:

'SECT. 69. Lands not exempt, and not liable to be assessed in any town, may be taxed by the legislature for a just proportion of all state and county taxes as herein provided for ordering the state and county taxes upon property liable to be assessed in towns. The state assessors shall make lists thereof, with as many divisions as will secure equitable taxation, conforming as near as convenient to known divisions and separate ownership and report the same to each successive legislature.'

SECT. 2. This act shall take effect when approved. [Approved February 28.]

Chapter 57.

AN ACT entitled "An Act to regulate the taking of Salmon and Shad in Orange river, Whiting, Washington County."

All persons shall be allowed to take any salmon, shad or alewives in the waters of Orange river, in the town of Whiting, in the county of Washington, up to one hundred and thirty yards of the fish way at the lower dam in said river, subject, however, to all the laws of the state, and laws regulating the taking of such fish in said river. [Approved Feb. 28.]

Chapter 58.

AN ACT to amend section twenty of chapter thirty of the Revised Statutes, as amended by chapter forty-eight of the Public Laws of one thousand eight hundred and ninety-one, relating to the killing of Muskrats.

SECT. 1. Section twenty of chapter thirty of the revised statutes, as amended by chapter forty-eight of the public laws of one thousand eight hundred and ninety-one, is hereby amended by adding to said section twenty the following words: 'This section shall not apply to Lily pond, situated in the towns of Rockport and Camden, and it shall be lawful to kill muskrats in said pond during all seasons of the year.' So that said section as amended, shall read:

'SECT. 20. Whoever between the first day of May and the fifteenth day of October, destroys any mink, beaver, sable, otter, fisher, or whoever destroys any muskrat between the twentieth day of May and the first day of March, forfeits ten dollars for each animal so destroyed, to be recovered on complaint. This section shall not apply to Lily pond situated in the towns of Rockport and Camden, and it shall be lawful to kill muskrats in said pond during all seasons of the year.'

SECT. 2. This act shall take effect when approved. [Approved February 28.]

Chapter 59.

AN ACT additional to section twenty-one of chapter forty-one of the Revised Statutes, regulating sales of Lumber.

In any action hereafter brought for the price of boards, plank, timber, joists, shingles, clapboards, staves or hoops, unless sold by the cargo, any failure to survey, measure, view or cull and brand the same and to give certificate thereof as required by section twenty-one of chapter forty-one of the revised statutes, shall not defeat recovery in such action, unless it appears that before delivery the purchaser requested such survey, measurement, view or culling, and branding and certificate.

[Approved March 5.]

Chapter 60.

AN ACT to amend chapter twenty-one of the Public Laws of eighteen hundred and eighty-seven, entitled 'An Act to amend chapter two hundred and eighty of the Public Laws of eighteen hundred and eighty-five, entitled "An Act amendatory to section twenty-nine of chapter ninety-one of the Revised Statutes, relating to Liens."'

Section twenty-nine of chapter ninety-one of the revised statutes, as amended by chapter two hundred and eighty of the public laws of eighteen hundred and eighty-five as amended by chapter twenty-one of the public laws of eighteen hundred and eighty-seven, is hereby further amended by adding after the word "cutting" in the second line of said section, as amended, the words 'or yarding,' so that said section as amended, shall read as follows:

'SECT. 29. Whoever labors at cutting and peeling or yarding hemlock bark, or cutting or yarding cord wood, or at cooking for persons engaged in such labor, has a lien thereon for the amount due for his personal services and the services performed by his team, which takes precedence of all other claims, continues for thirty days after the contract is completed, and may be enforced by attachment; provided, however, that such lien shall not continue after the bark or wood has arrived at a market.' [Approved March 5.]

Chapter 61.

AN ACT relating to Gaslight Companies.

All gaslight companies in this state which are authorized to furnish gas for lighting are hereby further authorized to furnish gas for heating and for power and proper appliances therefor, under the same conditions and with the same rights as they are now authorized to furnish gas for lighting purposes.

[Approved March 5.]

Chapter 62.

AN ACT authorizing steam railroads to use Electricity as motive power.

Railroad corporations which are subject to the provisions of chapter fifty-one of the revised statutes, and amendments thereto, are hereby authorized to operate their railroads by electricity. [Approved March 5.]

Chapter 63.

AN ACT to amend section twenty-six of chapter seventy-three of the Revised Statutes, relating to Unrecorded Deeds.

Section twenty-six of chapter seventy-three of the revised statutes is hereby amended by adding after "county" in the fourth line 'or registry district' so that said section when amended, shall read as follows:

'SECT. 26. If a deed conveying lands in more than one county is lost before being recorded in all, or if a deed is recorded in the wrong county or registry district and lost, a certified copy from a registry where it has been recorded, may be recorded in any other county, or registry district, with the same effect as a record of the original.'

[Approved March 5.]

Chapter 64.

AN ACT to amend paragraph eight of section six of chapter six of the Revised States, relating to Poll Taxes.

Paragraph eight, section six of chapter six of the revised statutes, is hereby amended by adding after the word "charges," in the last line, the words 'and the polls of all soldiers and sailors who receive state pension'; so that said paragraph shall read as follows:

'VIII. The polls and estates of persons who by reason of age, infirmity and poverty, are in the judgment of the assessors unable to contribute toward the public charges; and the polls of all soldiers and sailors who receive state pension.' [Approved March 5.]

Chapter 65.

AN ACT in relation to State Taxes on Organized Plantations taxed by the State as Wild Lands.

SECT. 1. Warrants for state taxes on organized plantations taxed by the state as wild lands, shall be sent by the state treasurer to the county commissioners of the county in which such plantations are.

SECT. 2. The county commissioners shall add the amount thereof to their assessment for county taxes and assess the same on the real and personal property in such plantation to the property owner, or person in possession, in accordance with their valuation thereof, stating the amount of such state tax on each owner in a separate column.

SECT. 3. They shall commit the same with a warrant in the usual form to some inhabitant of the plantation, or in their discretion to any other person, appointing him collector and directing him to collect and transmit the same to the county treasurer by July first, next after the date of commitment. The county treasurer shall forthwith transmit the same to the state treasurer.

SECT. 4. Such collector shall give bond to the county treasurer in such sum and with such sureties as the commissioners require, and the commissioners shall agree with him as to his compensation, which shall be paid by the county.

SECT. 5. He shall settle with the commissioners by the first day of December in each year, and return to them his collection list, showing the amounts received or unpaid on each tax in his list. On all such taxes then unpaid, interest shall be added from the first day of July preceding at twenty per cent until paid. The clerk of courts shall record in a book kept for that purpose such returned collector's list with the collector's return thereon showing the amounts received or unpaid on each tax in the list, which record shall be evidence of the facts therein stated.

SECT. 6. Such state and county taxes are a lien on the property assessed from the date of their assessment by the commissioners, to be enforced by suit, as hereinafter provided, brought at any time within one year from the time when such collection lists are returned to said commissioners.

SECT. 7. The commissioners may order the county attorney to bring an action of debt in the supreme judicial court in the county where the land lies, in the name of the county, to collect such unpaid taxes with interest. The writ shall run against the person to whom the property was assessed and all persons unknown who have any interest therein. The county attorney shall file notice of lis pendens as provided by law in the proper registry of deeds and shall enter the writ in court. The court shall order notice to the defendants named therein and to all persons unknown, and in addition to the usual judgment against defendants, shall also render judgment in rem against the property assessed, to be enforced by sale on execution. When the officer sells real estate on such execution he shall sell the least undivided fractional part thereof, that any person bidding will take and pay the amount due on the execution with all necessary charges for sale, and he shall deed to the purchaser such part so sold to him subject to redemption according to law, and the deed shall be construed to convey a right of entry and seizin in such part, in common and undivided, of the property assessed.

SECT. 8. When real estate is sold under this act, the deed shall be deposited with the county treasurer; and any person having an interest therein may redeem by paying the amount due thereon with interest at twenty per cent, within one year from the time of sale; whereupon the county treasurer shall cancel the deed. If not redeemed at the expiration of the year, the county treasurer shall deliver the deed to the purchaser. The lien of the tax expires within fifteen months from the time of sale unless the deed is recorded within that time.

SECT. 9. So far as applicable, sections thirty-six, thirty-seven, thirty-eight, ninety-nine and one hundred and one, of chapter six of the revised statutes, with the amendments thereto, apply to proceedings under this act. Sections seventy-two and seventy-seven of said chapter six shall not apply to taxes assessed under this act.

SECT. 10. This act shall take effect when approved. [Approved March 5.]

Chapter 66.

AN ACT to amend section thirteen of chapter one hundred and twenty-eight of the Revised Statutes of this state, in relation to Lotteries.

Section thirteen of chapter one hundred and twenty-eight of the revised statutes of this state is hereby amended by adding after the second word in the first line, the words 'policy, policy lottery, policy shop,' and by striking out the words "and declared a nuisance" in the fourth line of said section, and by adding the words 'writing, printing' after the word "making" in the fifth line of said section, and by adding after the word "therein" in the eighth line, the words 'slip, bill, token or other device purporting or designed to guarantee or assure to any person or to entitle any person to a chance of drawing or obtaining any prize or thing of value to be drawn in any lottery, policy, policy lottery, policy shop, scheme or device of chance of whatever name or description,' and by striking out the words "one hundred" in the thirteenth line of said section and inserting the word 'ten' and by adding the word 'complaint' after the word "by" in the fourteenth line, and by adding the following words at the end of said section, 'the printing, advertising, issuing or delivery of any ticket, paper, document or material representing or purporting to represent the existence of, or an interest in a lottery, policy lottery, game or hazard, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery, game of hazard, and the issuing or delivery of any such paper, ticket, document or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation who issues or delivers or knowingly aids or abets in the issuing or delivering of such paper, ticket, document or material,' so that said section as so amended, shall read as follows:

'SECT. 1. Every lottery, policy, policy lottery, policy shop, scheme or device of chance, of whatever name or description, whether at fairs or public gatherings, or elsewhere, and whether in the interests of churches, benevolent objects, or otherwise, is prohibited; and whoever is concerned therein, directly or indirectly, by making, writing, printing, advertising, purchasing, receiving, selling, offering for sale, giving away, disposing of, or having in possession with intent to sell or dispose of, any ticket, certificate, share or interest therein, slip, bill, token or other device purporting or designed to guarantee or assure to any person or to entitle any person to a chance of drawing or obtaining any prize or thing of value to be drawn in any lottery, policy, policy lottery, policy shop, scheme or device of chance of whatever name or description; by printing, publishing or circulating the same, or any hand bill, advertisement, or notice thereof, or by knowingly suffering the same to be published in any newspaper or periodical under his charge or on any cover or paper attached thereto; or who in any manner aids therein, or is connected therewith, shall be punished by a fine of not less than ten dollars nor more than one thousand dollars, to be recovered by complaint, indictment or action of debt, half to the prosecutor and half to the town where the offense is committed; and if by action of debt, he shall not be entitled to the benefit of chapter one hundred and thirteen, and if by indictment, he shall further be punished by imprisonment for thirty days on the first conviction; sixty, on the second; and ninety on the third. And all lottery tickets, or materials for a lottery, procured for that purpose, shall be disposed of as provided in section twelve of chapter one hundred and twenty-five. The printing, advertising, issuing or delivery of any ticket, paper, document or material representing or purporting to represent the existence of, or an interest in a lottery, policy, lottery, game or hazard, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery, game of hazard, and the issuing or delivery of any such paper, ticket, document or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation who issues or delivers or knowingly aids or abets in the issuing or delivering of such paper, ticket, document or material.'

[Approved Mar. 6.]

Chapter 67.

AN ACT additional to chapter forty-eight of the Revised Statutes, relating to Organization of Corporations under the general law.

SEC. 1. If the stockholders of any corporation already organized or that may be hereafter organized under section, sixteen and seventeen of chapter forty-eight of the revised statutes shall desire to decrease the amount of its capital stock, the stockholders, at a meeting duly called for the purpose, or at any annual meeting, when notice shall have been given of such proposed action in the call therefor, may by a vote representing a majority of all the stock issued, decrease the amount of its capital stock to any amount desired, and the corporation shall give notice of such change to the secretary of state within ten days thereafter. And each stockholder shall, within three months after such meeting, surrender such a proportion of his stock as the amount of decrease shall bear to the amount of the capital stock before the decrease, so that each stockholder shall have the same proportion of the whole capital stock of the company as before the decrease.

SEC. 2. This act shall not affect or prejudice in any way the rights of creditors of such corporation existing at the time when the reduction of its capital stock authorized under the preceding section shall be consummated.

SEC. 3. The clerk of any corporation organized under the laws of this state may resign his office as clerk by filing his resignation with the register of deeds in the county where such corporation was organized, said resignation to take effect from and after the time of the receipt of the same by such register of deeds.

[Approved March 6.]

Chapter 68.

AN ACT additional to chapter thirty-nine of the Revised Statutes, relating to receptacles for kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids.

SEC. 1. All persons or corporations engaged in the sale of kerosene, refined petroleum, gasoline, or other burning or illuminating oils or fluids, in cans of a capacity of not less than five gallons, with their names, or other marks or devices branded, stamped, engraved, etched, impressed or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid, used by them, and cause the same to be published once a week for three successive weeks, in any weekly paper published in the county in which said notice may have been filed as aforesaid.

SEC. 2. Whoever knowingly and willfully, without the written consent of the owners, uses, buys, sells, fills or traffics in any such can so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, sell, buy, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by a fine of not more than twenty dollars. [Approved March 6.]

Chapter 69.

AN ACT to amend section twenty-eight of chapter ninety of the Revised Statutes, relating to the discharge of Mortgages.

Section twenty-eight of chapter ninety of the revised statutes, is hereby amended, so that said section as amended, shall read as follows:

'SEC. 28. A mortgage may be discharged by an entry acknowledging the satisfaction thereof, made on the margin of the record of the mortgage in the registry of deeds and signed by the mortgagee, or by his executor, administrator, or assignee, and such entry shall have the same effect as a deed of release duly acknowledged and recorded. If a mortgagee, or his executor, administrator, or assignee, after full performance of the condition of his mortgage whether before or after breach of such a condition, refuses or neglects for seven days after being thereto requested, and after a tender of his reasonable charges to make such discharge or to execute and acknowledge a deed of release of the mortgage, he shall be liable for all damages occasioned by such neglect or refusal, to be recovered in an action of the case.' [Approved March 6.]

Chapter 70.

AN ACT to amend chapter six of the Revised Statutes, relating to Sales of Land for Non-payment of Taxes.

SECT. 1. Section one hundred and ninety three of chapter six of the revised statutes is hereby amended, so as to read as follows:

'SEC. 193. For all taxes legally assessed on real estate and on equitable interests assessed under section three of said chapter, a lien is created to secure the payment of said tax, which said lien shall take precedence of all other claims on said real estate, and shall continue in force until said tax shall be paid. If any such tax remains unpaid on the first Monday in December in the year succeeding the year in which said tax was assessed, the collector shall sell at public auction so much of such real estate or interest as is necessary for the payment of said tax, interest and all the charges, at nine o'clock in the forenoon of said first Monday in December, at the office of collector of taxes, in cities, and at the place where the last preceding annual town meeting was held, in towns. In the case of the real estate of resident owners, the collector may give notice thereof and of his intention to sell so much of said real estate or interest as is necessary for the payment of said tax and all charges, by posting notices thereof in the same manner and at the same places that warrants for town meetings are therein required to be posted, six weeks before such first Monday in December, designating the name of the owner if known, the right, lot and range, the number of acres as nearly as may be, the amount of tax due, and such other short description as is necessary to render its identification certain and plain. And in the case of taxes assessed on the real estate of non-resident owners, he shall cause said notices to be published in some newspaper, if any, published in the county where said real estate lies, three weeks successively; such publication to begin at least six weeks before said first Monday in December; if no newspaper is published in said county, said notices shall be published in like manner, in the state paper; he shall, in the advertisements so published, state the name of the town, and if within three years it has been changed for the whole or a part of the territory, both the present and former name shall be stated, and that, if the taxes, interest and charges are not paid on or before such first Monday in December, so much of the estate as is sufficient to pay the amount due therefor with interest and charges, will be sold without further notice, at public auction, on said first Monday in December, at nine o'clock in the forenoon, at the office of the collector of taxes, in cities, and at the place where the last preceding annual town meeting was held, in towns. The date of the commitment shall be stated in the advertisement. In all cases, said collector shall lodge with the town clerk a copy of each such notice, with his certificate thereon that he has given notice of the intended sale as required by law. Such copy and certificate shall be recorded by said clerk and the record so made shall be open to the inspection of all persons interested. The clerk shall furnish to any person desiring it an attested copy of such record, on receiving payment or tender of payment of a reasonable sum therefor; but notices of sales of real estate within any village corporation for unpaid taxes of said corporation may be given by notices thereof, posted in the same manner, and at the same places as warrants for corporation meetings, and by publication, as aforesaid. No irregularity, informality or omission in giving the notices required by this act, or in lodging copy of any of the same with the town clerk, as herein required, shall render such sale invalid, but such sale shall be deemed to be legal and valid, if made at the time and place herein provided, and in other respects according to law, except as to the matter of notice. For any irregularity, informality or omission in giving notice as required by this act, and in lodging copy of the same with the town clerk, the collector shall be liable to any person injured thereby.'

SEC. 2. The notice and advertisement of the collector shall be in substance as follows:

'Unpaid taxes on lands of resident and non-resident owners situated in the town of , in the county of , for the year . (N. B.) The name of the town was formerly (to be stated in the case of change of name, as mentioned in section one.) The following list of taxes on real estate of resident and non-resident owners in the town of , for the year , committed to me for collection for said town, on the day of , remain unpaid; and notice is hereby given that if said taxes, interest and charges are not previously paid, so much of the real estate taxed as is sufficient to pay the amount due therefor, including interest and charges, will be sold at public auction at , in said town, on the first Monday of December, 18 , at 9 o'clock A.M.' (N. B. Here follows the list, a short description of each parcel taken from the inventory to be inserted in an additional column.)

C. D. Collector of taxes of the town of .'

SEC. 3. Section one hundred and ninety-four of said chapter is hereby amended, so as to read as follows:

'SEC. 194. After the land is so advertised, and at least ten days before the day of sale, the collector shall notify the owner, if resident, or the occupant thereof, if any, of the time and place of sale by delivering to him in person, or leaving at his last and usual place of abode, a written notice signed by him, stating the time and place of sale, and the amount of taxes due. In case of non-resident owners of real estate, notice shall be sent by mail to the last and usual address, if known to the collector, at least ten days before the day of sale. If such tax is paid before the time of sale, the amount to be paid for such advertisement and notice shall not exceed one dollar.'

SEC. 4. Section one hundred ninety-five of said chapter is hereby amended, so as to read as follows:

'SEC. 195. When no person appears to discharge the taxes duly assessed on any such real estate of resident or non-resident owners, with costs of advertising, on or before the time of sale, the collector shall proceed to sell at public auction to the highest bidder so much of such real estate or interest as is necessary to pay the tax due, with three dollars for advertising and selling it, the sum paid to the printer, and twenty-five cents more for each copy required to be lodged with the town clerk, and sixty-seven cents for the deed thereof, and certificate of acknowledgment. If the bidding is for less than the whole, it shall be for a fractional part of the estate, and the bidder who will pay the sum due for the least fractional part shall be the purchaser. If more than one right, lot or parcel of land is so advertised and sold, said charge of three dollars and the sum paid to the printer shall be divided equally among the several rights, lots or parcels advertised and sold at any one time; and the collector shall receive in addition, fifty cents on each parcel of real estate so advertised and sold, when more than one parcel is advertised and sold. The collector may, if necessary to complete the sales, adjourn the auction from day to day.'

SEC. 5. Section one hundred and ninety-six of said chapter is hereby amended, so as to read as follows:

'SEC. 196. When real estate is so sold for taxes, the collector shall, within four days after the day of sale, lodge with the treasurer of his town a certificate under oath designating the quantity of land sold, the names of the owners of each parcel, and the names of the purchasers; what part of the amount of each was tax, and what was cost and charges; also a deed of each parcel sold, running to the purchasers. The treasurer shall not deliver the deeds to the grantees, but put them on file in his office, to be delivered at the expiration of two years from the day of sale, in the case of lands of resident owners, and one year from the day of sale in the case of lands of non-resident owners, if the owner does not within such time redeem his estate from the sale, by payment of the taxes and all charges, and interest on the whole at the rate of twenty per cent from the day of sale to the time of redemption, and costs as above provided, with sixty-seven cents for the deed and certificate of acknowledgment. If the deed of land of a non-resident owner is recorded within thirteen months after the day of sale, no intervening attachment or conveyance shall affect the title. If so redeemed, the treasurer shall give the owner a certificate thereof, cancel the deed, and pay to the grantee, on demand, the amount so received for him. If not so paid, he shall deliver to the grantee his deed, on payment of the fees, as aforesaid, for the deed and acknowledgment, and thirty cents more for receiving and paying out the proceeds of the sale. For the fidelity of the treasurer in discharging the duties herein required, the town is responsible, and has a remedy on his bond in case of default.'

SEC. 6. The person interested in the estate, by purchase at the sale, may pay any tax assessed thereon, before or after that so advertised, and for which the estate remains liable, and on filing with the treasurer the receipt of the officer to whom it was paid, the amount so paid shall be added to that for which the estate was liable, and shall be paid by the owner redeeming the estate, with interest at the same rate as on the other sums. After the deed of land of a non-resident owner is so delivered, the owner has six months within which to redeem his estate, by paying to the purchaser the sum by him so paid, with interest at the rate of twenty per cent a year.

SEC. 7. Section one hundred and ninety-seven is hereby amended, so as to read as follows:

'SEC. 197. The collector making any sale of real estate for non-payment of taxes, shall, within thirty days after such sale make a return, with a particular statement of his doings in making such sale, to the clerk of his town; who shall record it in the town records; and said return, or if lost or destroyed, an attested copy of the record thereof, shall be evidence of the facts therein set forth in all cases where such collector is not personally interested.'

'The collector's return to the town clerk shall be in substances as follows:

Pursuant to law, I caused **the taxes assessed on the real estate described herein, situated in** the town of for the year , to be advertised according to law by posting notices **as** required by law and by advertising in the three weeks successively, the first publication being on the day of and at least six weeks before the day of sale; I, also, at least ten days before the day of sale, notified the owners or occupants of said lands, and addressed to the non-resident owners of unoccupied lands whose addresses were known to me, notice of the time and place of said sale in the manner provided by law, as follows; and afterwards on the first Monday of December, 18 , at in said , at nine o'clock, A. M., being the time and place of sale, I proceeded to sell according to the tenor of the advertisement, the estates upon which the taxes so assessed remained unpaid; and in the schedule following is set forth each parcel of the estate so offered for sale, the amount of taxes, and the name of the purchaser; and I have made and executed deeds of the several parcels to the several persons entitled thereto, and placed them on file in the town treasurer's office, to be disposed of as the law requires.

Schedule No. 1.

Name of owner.	Description of property.	Amount of tax, interest and charges.	Quantity sold.	Name of purchaser.

In witness of all which I have hereunto subscribed my name, this day of , 18 .

C.D., Collector of taxes of the town of .'

SECT. 8. Section one hundred and ninety-eight of said chapter is hereby amended, so as to read as follows:

'SECT. 198. Any person to whom the right by law belongs, may, at any time within two years from the day of sale, redeem any real estate or interest of resident proprietors sold for taxes, on paying into the town treasury for the purchaser, the full amount so certified to be due, both taxes and costs, including the sum allowed for the deeds, with interest on the whole at the rate of twenty per cent a year from the date of the sale, which shall be received and held by said treasurer as the property of the purchaser aforesaid; and the treasurer shall pay to said purchaser, his heirs or assigns, on demand; and if not paid when demanded, the purchaser may recover it in any court of competent jurisdiction, with costs and interest at the rate of twenty per cent, after such demand. The sureties of the treasurer shall pay the same on failure of said treasurer. And in default of payment by either, the town or plantation shall pay the same with costs and interest as aforesaid.'

SECT. 9. Any non-resident owner of real estate sold under section four of this act, having paid the taxes, costs, charges and interest as aforesaid, may, at any time within one year after making such payment, commence a suit against the town to recover the amount paid, and if on trial it appears that the money raised was for an unlawful purpose, he shall have judgment for the amount so paid. If not commenced within the year, the claim shall be forever barred. The suit may be in the supreme judicial or superior court, and the plaintiff recovering judgment therein shall have full costs, although the amount of damages is less than twenty dollars.

SECT. 10. Section two hundred of said chapter is hereby amended, so as to read as follows:

'SECT. 200. No sale of real estate for non-payment of taxes under said chapter shall be made by any officer to whom a warrant for their collection has been committed after two years from the date of the original commitment of such taxes, provided, that this section shall not be construed to apply to sales on executions, on attachments to enforce tax liens.'

SECT. 11. Section two hundred and five of said chapter is hereby amended, so as to read as follows:

'SECT. 205. In the trial of any action at law or in equity, involving the validity of any sale of real estate for non-payment of taxes affected since March three, eighteen hundred and seventy-four, it shall be sufficient for the party claiming under it, in the first instance, to produce in evidence the collector's or treasurer's deed, duly executed and recorded, and then he shall be entitled to judgment in his favor unless the party contesting such sale, or the person under whom he claims, shall have deposited with **the clerk of the court in which such action is pending, before the beginning of his said action** or defence, the amount of all such taxes, interest and costs accruing under such sale, and of all taxes paid after such sale, and interest thereon, to be paid out by order of court to the party legally and equitably entitled thereto, and then he may be admitted to prosecute, or defend; but if the other party then produces in addition to the deed as aforesaid, the assessment, signed by the assessors and their warrant to the collector, and proves that such collector or treasurer complied with the requirements of law in advertising and selling such real estate, he shall have judgment in his favor; and in all such actions involving the validity of sales made after this act takes effect, the collector's return to the town clerk, the town clerk's record, or if lost or destroyed, said clerk's attested copy of such record as provided in section one hundred ninety-seven of said chapter, as herein amended shall be prima facie evidence of all facts therein alleged.'

SECT. 12. At the trial of any action for the collection of taxes under chapter two hundred fourteen of the public laws of eighteen hundred ninety-three, or of any action at law or in equity involving the validity of any sale of real estate for non-payment of taxes under section two hundred five of said chapter of the revised statutes, if it shall appear that the tax in question was lawfully assessed, the court shall have power at its discretion to permit the collector to amend his record, return or deed in accordance with the fact, when circumstances, errors or defects appear therein; provided, that the rights of third parties are not injuriously affected thereby. And if a deed be so amended and the amended deed be thereupon recorded, it shall have the same effect as if it had been originally made in its amended form.

SECT. 13. Sections one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one and one hundred ninety-two are hereby repealed. And all other acts and portions of acts inconsistent herewith are also hereby repealed.

SECT. 14. The acts and sections declared to be repealed remain in force for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by virtue of them, and so far as they apply to the collection of any taxes heretofore assessed, or to any judicial proceeding, right, contract, limitation or event already affected by them. [Approved, March 6.]

Chapter 71.

AN ACT to prevent the Adulteration of Candy.

SECT. 1. No person shall by himself, his servant, or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by admixture of terra alba, barytes, talc, or other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health.

SECT. 2. No person shall by himself, his servant, or agent of any other person or corporation offer for sale any candy under the name of brandy, whiskey, rum or wine drops.

SECT. 3. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so sold shall be forfeited and destroyed under the direction of the court.

SECT. 4. It is hereby made the duty of the prosecuting attorneys of this state to represent the people and to attend to the prosecution of all complaints under this act, in all courts in their respective counties.

[Approved March 6.]

Chapter 72.

AN ACT referring to Railroads crossing Railroads and Highway Bridges.

SECT. 1. The board of railroad commissioners shall have authority to determine the manner and conditions of one railroad of any kind crossing another. Any corporation operating such railroad may apply to said board for a change in the then existing location, construction or manner of any such crossing. Such application shall be in writing giving the location of the crossing. Said board shall give a hearing thereon after they have ordered such notice to be given to the applicants, as to the time, place and purpose of such hearing, as said board shall deem proper. Said board shall determine at such hearing what changes, if any, are necessary and how such crossings shall be constructed and maintained, the expense thereof to be borne as the railroad commissioners may order.

SECT. 2. In the case of a railroad of any kind whose tracks are to be laid across the tracks of any railroad already [illegible] such crossings shall be made, constructed and maintained in such manner and upon such conditions as shall be ordered by the railroad commissioners, the expense thereof to be borne as the railroad commissioners shall order. The parties contemplating [illegible] crossing shall apply to the railroad commissioners in writing, giving the location of the crossing desired, and said commissioners shall give a hearing thereon after they have ordered such notice to be given to the applicants of the time, place and purpose of such hearing as said board deem proper. At such hearing the board of railroad commissioners shall determine the manner and conditions of construction and maintenance of such crossing and make their report as [illegible] provided.

SECT. 3. Bridges erected by any municipality, over which any railroad passes, shall be constructed and maintained in such manner and condition, as to safety, as the board of railroad commissioners may determine. Said board shall have authority to require the [illegible] the railroad company and those of the municipality to attend a hearing in the matter [illegible] such notice of the time, place and [illegible] hearing [illegible]. Said board shall [illegible]

SECT. 4. The board of railroad commissioners shall make a report in writing of [illegible] terminations and the decisions in proceedings [illegible] and the same shall be [illegible] the municipal officers of the cities [illegible] interested [illegible]

SECT. 5. If any appeal [illegible] provided in the preceding section, [illegible] the filing of such appeal [illegible] the board of railroad commissioners [illegible] corporation or municipal officers [illegible] justice, at such term or [illegible] Exception may [illegible] crossing shall [illegible]

[Approved March 6.]

Chapter 73.

AN ACT to establish a Salary for [illegible] Courts for Waldo County.

SECT. 1. From and after the first [illegible] salary of the clerk of courts for W[illegible] shall be eleven hundred dollars [illegible] the first day of January, [illegible] shall pay the same with costs and interest [illegible] for all services as [illegible] judicial court [illegible] of said county [illegible]

SECT. 2. [illegible] repealed.

This act shall take effect [illegible]

Chapter 74.

AN ACT to amend section two of chapter ninety-four of the Revised Statutes [illegible] to Forcible Entry and Detainer.

SECT. 1. Section two of chapter ninety-four of the revised statutes [illegible] words, 'Either party may [illegible] words "[illegible] day" in the [illegible]

SECT. 2. Tenancies at will may be [illegible] mined by either party [illegible] party, and not otherwise [illegible] consent, excepting cases where the [illegible] liable to pay rent, shall not be in arrears at the expiration of the notice, in which case the thirty days' notice aforesaid shall be made to expire upon a rent day. Either party may waive in writing said thirty days' notice, or any part thereof. When the tenancy is terminated, the tenant is liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant, unless he has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party.'

[Approved March 7.]

Chapter 75.

AN ACT to amend section one hundred and eight of chapter eleven of the Revised Statutes, relating to Normal Schools.

Amend by inserting in the last line of said section one hundred and eight, the words 'or four,' so that said section as amended, shall read as follows:

'SECT. 108. The course of study shall occupy two years with suitable vacations, and with the terms of admission shall be managed by said superintendent, subject to the approval of the governor and council. The trustees may arrange for a course of study, occupying three or four years, for such students as may elect to pursue the same.' [Approved March 7.]

Chapter 76.

AN ACT authorizing the appointment of Special Insurance Brokers.

SECT. 1. The insurance commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this state, already agents of one or more duly authorized fire insurance companies, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this state in foreign insurance companies not authorized to transact business in this state. Before the person named in such license shall procure any insurance in such companies on any property in this state he shall in every case, execute and file with the insurance commissioner an affidavit that he is unable to procure, in companies admitted to do business in the state, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this state, to the full amount which said companies are willing to write on said property; provided, that such licensed person shall not be required to offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least two [illegible] five thousand dollars, or one which has, [illegible] the preceding twelve months, been [illegible] impaired condition. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith [illegible] with the insurance commissioner, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and also a report in the same [illegible] of all such policies canceled, and the gross return premiums thereon, and before receiving such license shall execute and deliver to the treasurer of state a bond in the penal sum of five hundred dollars, with such sureties as the treasurer shall approve, with a condition that the licensee will faithfully comply with all the requirements of this act, and will file with the treasurer of state, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed and the gross returned premiums on such insurance canceled under such license during the year ending on the thirty-first day of December next preceding; and at the time of filing such statement will pay into the treasury of state a sum equal to two per cent of such gross premiums, less such returned premiums so reported.

SECT. 2. Any person thus licensed, who shall procure or act in procurement or negotiation of insurance in any unauthorized foreign company, and shall neglect to make and file the statements and affidavits herein required or shall willfully make a false affidavit or statement, shall forfeit his license and be punished by a fine not exceeding one hundred dollars, or by imprisonment not more than sixty days, or by both; and whoever without such license, assumes to act as a special insurance broker, shall incur like punishment. The penalties provided in this chapter shall be inforced in the same manner as the penalties of chapter forty-nine of the revised statutes statutes, as amended.

SECT. 3. Chapter one hundred and forty-seven of the public laws of eighteen hundred and eighty-seven, and chapter one hundred and seventy-nine of the public laws of eighteen hundred and eighty-nine, are hereby repealed.

[Approved March 7.]

Chapter 77.

AN ACT to amend section twelve, chapter seventy-one of the Revised Statutes, relating to Sales of Real Estate.

Section twelve of chapter seventy-one of the revised statutes, is hereby amended by striking out of the seventh line of said section the words, "be sworn and," so that said section as amended, shall read as follows:

'SECT. 12. In all cases where the courts may license a person to sell real estate at auction, they may license him to sell from time to time at private sale, or to accept any advantageous offer for such estate or any part of it, and to convey the same accordingly, if it appears to be for the interest of all concerned; but when so licensed, he may sell at auction, by complying with all the requirements of law for sales at auction, and with the particular conditions of the license, and he shall give bond if he is licensed to sell at auction; and the court shall determine what notice, if any, shall be given of such sale, and if any is required, it shall be inserted in the license and given accordingly.' [Approved March 12.]

Chapter 78.

AN ACT to amend chapter one hundred twenty-two of the Revised Statutes, relating to offenses against Public Justice.

Section six of chapter one hundred and twenty-two of revised statutes, is hereby amended by adding thereto the following words: 'Sheriffs, deputy sheriffs, coroners or their deputies, within the several counties, and constables, marshals, deputy marshals and other officers of police of the several cities and towns, are declared to be executive officers within the meaning of this section, but the enumeration of such officers shall not be held to exclude other officers not specially mentioned herein;' so that said section shall read:

'SECT. 6. Whoever gives, offers, or promises, to an executive, legislative or judicial officer, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or does, offers, or promises to do, any act beneficial to such officer, with intent to influence his action, vote, opinion, or judgment, in any matter pending, or that may come legally before him in his official capacity, shall be punished by imprisonment for not more than five years, or by fine not exceeding three thousand dollars; and whoever accepts such bribe or beneficial thing, in the manner and for the purpose aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust or appointment under the state, and be punished by imprisonment for not more than ten years, or by fine not exceeding five thousand dollars. Sheriffs, deputy sheriffs, coroners or their deputies, within the several counties, and constables, marshals, deputy marshals and other officers of police of the several cities and towns, are declared to be executive officers within the meaning of this section. But the enumeration of such officers shall not be held to exclude any other executive officer not specially mentioned herein.' [Approved Mar. 12.]

Chapter 79.

AN ACT to amend section sixty-four of chapter fifty-one of the Revised Statutes, in relation to Railroads.

Section sixty-four of chapter fifty-one of the revised statutes, is hereby amended by adding thereto the following: 'But such corporation shall be entitled to the benefit of any insurance upon such property effected by the owner thereof less the premium and expense of recovery. The insurance shall be deducted from the damages, if recovered before the damages are assessed, or, if not, the policy shall be assigned to such corporation, which may maintain an action thereon, or prosecute, at its own expense, any action already commenced by the insured, in either case with all the rights which the insured originally had,' so that said section as amended, shall read as follows:

'SECT. 64. When a building or other property is injured by fire communicated by a locomotive engine, the corporation using it is responsible for such injury, and it has an insurable interest in the property along the route, for which it is responsible, and may procure insurance thereon. But such corporation shall be entitled to the benefit of any insurance upon such property effected by the owner thereof less the premium and expense of recovery. The insurance shall be deducted from the damages, if recovered before the damages are assessed, or, if not, the policy shall be assigned to such corporation, which may maintain an action thereon, or prosecute, at its own expense, any action already commenced by the insured, in either case with all the rights which the insured originally had.' [Approved March 12.]

Chapter 80.

AN ACT relating to the Settlement of Titles to Real Estate.

SECT. 1. When the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for twenty years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof; he or they, or any person having a freehold estate, vested or contingent in possession, reversion or remainder, in the land originally subject to the mortgage or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, or any person who has conveyed such land or any such interest therein with covenants of title or warranty, may apply to the supreme judicial court by petition, setting forth the facts, and asking for a decree as hereinafter provided; and if after notice to all persons interested as provided in section four, no evidence is offered of any payment within said twenty years or of any other act within said time, in recognition of its existence as a valid mortgage, the court upon hearing may enter a decree setting forth such facts and its findings in relation thereto, which decree shall within thirty days be recorded in the proper registry of deeds and thereafter no action at law or proceeding in equity shall be brought by any person to enforce a title under said mortgage.

SECT. 2. Any two or more persons owning in severality different portions or different interests of the character above described, in the whole or in different portions thereof, may join in one petition. Two or more defects arising under different mortgages affecting one parcel of land may be set forth in the same petition; and in case of a contest the court shall make such order for separate issues as may be proper.

SECT. 3. When the mortgagor of such an undischarged mortgage and those having his estate in the premises have been in uninterrupted possession of such real estate for twenty years from the date thereof, and it shall appear that such mortgage was not given to secure the payment of a sum of money or a debt, but to secure the mortgagee against some contingent liability assumed or undertaken by him, and that such conditional liability has ceased to exist and that the interests of no person will be prejudiced by the discharge of such mortgage, the mortgagor or those having his estate in the premises, or any of the persons to whom a similar remedy is granted in section one of this act may apply to the supreme judicial court by petition setting forth the facts and asking for a decree as hereinafter provided; and if after notice to all persons interested as provided in section four, and upon hearing it shall appear that the liability on account of which such mortgage was given has ceased to exist and that such mortgage ought to be discharged, the court may enter a decree setting forth the facts proved and its findings in relation thereto, which decree shall within thirty days be recorded in the proper registry of deeds and thereafter no action or proceeding in equity shall be brought to enforce a title under said mortgage.

SECT. 4. When it is alleged under oath in the petition that the mortgagees or persons claiming under them are unknown or that their names are unknown, they may be described generally as claiming by, through or under some person or persons named in the petition. Personal service by copy of the petition and order of notice shall be made upon all such respondents residing in the state fourteen days before the return day; and upon all such respondents residing out of the state, service may be made by personal service of copy of the petition and order of notice; by publication for such length of time, in such newspapers or by posting in such public places as the court may direct; or in any or all of these ways at the discretion of the court.

SECT. 5 Upon the service of such notice in accordance with the order of the court, the court shall have jurisdiction of all persons made respondents in the manner above provided, and shall upon due hearing make such decree upon the petition and as to costs as it shall deem proper.

SECT. 6 The decree of the court, determining the validity, nature or extent of any such incumbrance shall be effectual to bar all the respondents from any claim thereunder contrary to such determination, and such decree so barring said respondents shall have the same force and effect as a release of such claims, executed by the respondents in due form of law. The court may, in its discretion, appoint agents or guardians, ad litem, to represent minors or other respondents.

[Approved March 12.]

Chapter 81.

AN ACT to utilize and protect certain property ordained for pious uses, the legal custodian of which is unknown.

Where any property in this state dedicated and ordained for pious uses, has no proper or legal custodian, so that it is becoming wasted and the utility thereof is lost, upon the application of any person or religious society interested in having such property preserved and applied to the uses for which it was originally intended, the attorney general shall file a bill in equity, in the nature of an information, against such property and all persons interested therein, praying for the appointment of trustees to care for such property and for the proper application and disposition thereof, and the court may order such notice as seems proper, and may appoint receivers or trustees therefor, and upon final decree, may order the care, custody, sale, application or disposal of such property as will best serve the purposes for which it was originally intended. The court may convey or transfer such property to any religious body to be held and applied for the purposes of such trust as the court may declare; and it shall have full power to treat, care for and dispose of the same in furtherance of such pious uses as may seem best suited to the case and situation.

[Approved March 12.]

Chapter 82.

AN ACT additional to the Public Laws of the State of Maine, relating to the illegal killing of Fish and Game.

That any person acting as guide for any person or party who shall assist or aid such person or party in killing any game or fish in violation of law, shall be held equally responsible for such violation of the law, and subject to the same penalties. [Approved Mar. 12.]

Chapter 83.

AN ACT to repeal chapter one hundred and twelve of the Revised Statutes, relating to Recognizances for Debt.

Chapter one hundred and twelve of the revised statutes of eighteen hundred and eighty-three, relating to recognizances for debt, is hereby repealed. [Approved March 12.]

Chapter 84.

AN ACT amendatory of chapter two hundred and sixty-eight of the Public Laws of eighteen hundred ninety-three, entitled "An Act to regulate the organization and control of Street Railroads."

SECT. 1. Section six of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three is hereby amended by striking out in the forty-third and forty-fourth lines thereof the words, "subject to the provisions of section nine," inserting after the word "petition" in the forty-fourth and forty-fifth lines thereof the words, 'appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. If the board of railroad commissioners, after hearing the petition, shall, subject to the provisions of section nine, approve the proposed location, and find that public convenience requires the construction of such road,"substituting "for the words,"endorse their approval thereon," in the forty-fifth line thereof, the words 'it shall endorse its approval on the petition,' and inserting after the word, "aforesaid" in the forty-ninth line thereof the words 'and another copy of the same with the board of railroad commissioners,' so that said section as amended, shall read as follows:

'SECT. 6. Every corporation organized under the foregoing provisions before commencing the construction of its road shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, as the case may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceeding. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn, and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes, and location or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, upon presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. If the board of railroad commissioners,after hearing the petition, shall, subject to the provisions of section nine, approve the proposed location, and find that public convenience requires the construction of such road, it shall endorse its approval on the petition, and the corporation may then proceed with the construction of such road, provided, that they first file with the clerk of the court of county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no road shall be located under this act, over any paved or macadamized street in any city in this state without the permission of the mayor and aldermen thereof.

SECT. 2. The provisions of this act shall not apply to street railway corporations in cities of fifteen thousand or more inhabitants.

SECT. 3. This act shall take effect when approved. [Approved March 12.]

Chapter 85.

AN ACT relating to the Settlement of Titles to Real Estate.

Chapter one hundred and four of the revised statutes is hereby amended by adding thereto, the following section:

'SECT. 49. A person in possession of real property, having either by himself or those under whom he claims been in uninterrupted possession thereof, for ten years or more, claiming an estate of freehold therein, may file a petition in the supreme judicial court setting forth his estate, stating the source of his title, describing the premises and averring that an apprehension exists that persons named in the petition, or persons unknown claiming as heirs, devisees or assigns, or in any other way, by, through or under a person or persons named in the petition, claim some right, title or interest in the premises adverse to his said estate; and that such apprehension creates a cloud upon the title and depreciates the market value of his property; and praying that such persons be summoned to show cause why they should not bring an action to try their title to the described premises. If any such supposed claimants are unknown, the petitioner or his attorney shall so allege under oath, but the truth of the allegation shall not after decree filed be denied, for the purpose of defeating the title established thereby. Upon such petition the court shall order notice returnable at a term of the supreme judicial court to be held in the county where the real estate described lies. Personal service by copy of the petition and order of notice, shall be made upon all such supposed claimants residing in the state, fourteen days before the return day; and upon all such supposed claimants residing out of the state, service may be made by personal service of copy of the petition and order of notice; by publication for such length of time, in such newspapers or by posting in such public places as the court may direct, or in any or all of these ways at the discretion of the court. If any claimants appear to answer to said petition the procedure shall be the same as is provided by section forty-eight, and if the court upon hearing, finds that the allegations of the petition are true and that notice by publication has been given as ordered, it shall make and enter a decree that all persons named in the petition and all persons alleged to be unknown claiming, by, through or under persons so named, and who have not so appeared, shall be forever debarred and estopped from having or claiming any right or title adverse to the petitioner in the premises described in the petition; which decree shall within thirty days after it is finally granted be recorded in the registry of deeds for the county where the land lies, and shall be effectual to bar all right, title and interest of all persons whether adults or minors, upon whom notice has been served, personally or by publication, as herein provided. The court may in its discretion appoint agents or guardians, ad litem, to represent minors or other supposed claimants.' [Approved Mar. 13.]

Chapter 86.

AN ACT relating to the taxation of Vessel Property.

SECT. 1. All sailing vessels registered or enrolled under the laws of the United States or foreign governments, owned wholly or in part by inhabitants of this state, shall be taxed upon an appraised value of twenty dollars per ton gross tonnage for new vessels completed on or before the first day of April of each year. Vessels of one year old or more shall be reduced in value at the rate of one dollar per ton per year for each additional year of age, until they shall have reached the age of seventeen years, at and after which time, said vessels shall be taxed upon an appraised value of three dollars per ton, gross tonnage.

SECT. 2. Vessels when rebuilt shall be taxed on the same valuation as vessels of one-half the age of such rebuilt vessels.

SECT. 3. A vessel shall be regarded as rebuilt only on an expenditure being made of not less than forty per cent of the cost of such vessel if built entirely new.

SECT. 4. Vessels if repaired to the extent of twenty-five per cent of the costs of such vessel if built entirely new, shall be taxed on the same valuation as vessels of five-eighths of the age of such repaired vessel.

SECT. 5. All acts or parts of acts inconsistent with this act, are hereby repealed.

[Approved March 13.]

Chapter 87.

AN ACT to amend section twelve of chapter thirty of the Revised Statutes, as amended by chapter ninety-five of the Public Laws of eighteen hundred and ninety-one, relating to the number of Moose, Caribou and Deer that may be lawfully killed.

Section twelve of chapter thirty of the revised statutes, is hereby amended so that said section as amended, shall read as follows:

'SECT. 12. No person shall take, kill, destroy or have in possession between the first days of October and January more than one bull moose, one caribou and two deer, under a penalty of not less than one hundred nor more than three hundred dollars and thirty days' imprisonment for every bull moose or parts thereof, and forty dollars' fine and thirty days' imprisonment for each caribou or deer so taken, killed or destroyed or in possession in excess of said number. Whoever has in possession, except alive, more than the aforesaid number of bull moose, caribou or deer, or parts thereof, shall be deemed to have killed or destroyed them in violation of law. But nothing in this section shall prevent any marketman or provision dealer, having an established place of business in this state, from purchasing and having in possession at his said place of business, not exceeding one bull moose, one caribou and three deer lawfully killed or destroyed, or any part thereof, at one time, and selling the same at retail in open season to his local customers.'

[Approved March 14.]

Chapter 88.

AN ACT to amend section one of chapter fifty-five of the Revised Statutes, in relation to Libraries, Charitable Societies and Public Cemeteries.

Section one of chapter fifty-five of the revised statutes is hereby amended by adding in the eighth line of said section after the word "temperance," the words 'as a village improvement society,' so that said section, as amended, shall read as follows:

'SECT. 1. When seven or more persons desire to be incorporated as proprietors of a social, military, literary, scientific, or county law library; as a masonic lodge or chapter of any order of degree; as lodge of the independent order of odd fellows; as a division of the sons of temperance; as a tent of rechabites; as a grange of patrons of husbandry; as a council of the sovereigns of industry; as a relief or benefit association for mutual assistance; as a monument or memorial association; as a society to promote temperance; as a village improvement society; or for any literary, scientific, musical, charitable, educational, social, military, agricultural, moral, religious or benevolent purpose; they may apply in writing to any justice of the peace in the county, who may issue his warrant directed to one of said applicants, requiring him to call a meeting thereof at such time and place as the justice appoints.'

[Approved March 14.]

Chapter 89.

AN ACT to amend section eighteen of chapter forty-eight of the Revised Statutes, relating to Organization of Corporations.

Section eighteen of chapter forty-eight of the revised statutes as amended by section two of chapter ninety-one of the public laws of eighteen hundred and ninety-one is hereby amended by inserting after the word "and" in the thirteenth line of said section the words 'within sixty days after the day of the meeting at which such corporation is organized,' so that said section, as amended, shall read as follows:

'SECT. 18. Before commencing business, the president, treasurer, and majority of the directors shall prepare a certificate setting forth the name and purposes of the corporation, the amount of capital stock, the amount already paid in, the par value of the shares, the names and residences of the owners, the name of the county where it is located, and the number and names of the directors, and shall sign and make oath to it; and after it has been examined by the attorney general, and been by him certified to be properly drawn and signed and to be conformable to the constitution and laws, it shall be recorded in the registry of deeds in the county where the business is to be done, in a book kept for that purpose, and within sixty days after the day of the meeting at which such corporation is organized a copy thereof certified by such register shall be filed in the secretary of state's office, who shall enter the date of filing thereon, and on the original certificate to be kept by the corporation, and shall record said copy in a book kept for that purpose. Such corporation shall pay the attorney general and secretary of state five dollars each for their services in advance; and before said certificate is filed in the office of the secretary of state when the amount of the capital stock does not exceed ten thousand dollars, it shall also pay to the treasurer of state for the use of the state the sum of ten dollars; when the amount of the capital stock exceeds ten thousand dollars and does not exceed five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state, the sum of fifty dollars; when the amount of the capital stock exceeds five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state ten dollars for each one hundred thousand dollars of the capital stock; and the treasurer's receipt for said sum shall be filed with the secretary of state as a condition precedent, before he shall be authorized to receive said certificate for filing.' [Approved March 14.]

Chapter 90.

AN ACT to amend section fifty-one of chapter two of the Revised Statutes, relating to Deposits in Banks by the State Treasurer.

SECT. 1. Section fifty-one of chapter two of the revised statutes is hereby amended by striking out all after the word "bank" in the second line thereof, and substituting therefor the following words, 'except such bank through which the treasurer desires to meet the payments of the bonded debt and interest on same,' so that said section, as amended, shall read:

'SECT. 51. No more than twenty thousand dollars of the money of the state shall be on deposit in a bank, except such bank through which the treasurer desires to meet the payments of the bonded debt and interest on same.'

SECT. 2. This act shall take effect when approved. [Approved March 14.]

Chapter 91.

AN ACT relating to the taxation of Insurance Companies.

Every insurance company or association which is subject to the provisions of sections fifty-nine, sixty and sixty-one of chapter six of the revised statutes, shall include in its return of premiums collected, all sums received from and paid to other companies for re-insurance of risks taken in this state; and no company shall be entitled to any deduction for premiums paid by it for re-insurance of any part of its risks taken in this state unless paid to companies admitted to and doing business in Maine. Such companies shall include in the return required of them by said section sixty-one, a schedule of all re-insurance effected by them with the names of the companies in which said insurance was effected, the amount of the policies and the amount of premiums paid.

[Approved March 14.]

Chapter 92.

AN ACT to amend section thirty-one of chapter forty of the Revised Statutes as amended by chapter two hundred and sixty of the Public Laws of one thousand eight hundred and eighty-five, as amended by chapter seventy-seven of the Public Laws of one thousand eight hundred and eighty-seven, as amended by chapter twenty-seven of the Public Laws of one thousand eight hundred and ninety-one, relating to fishing in the waters of the town of Bluehill.

Section thirty-one of chapter forty of the revised statutes as amended by chapter two hundred and sixty of the public laws of eighteen hundred and eighty-five, as amended by chapter seventy-seven of the public laws of eighteen hundred and eighty-seven, as amended by chapter twenty-seven of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out in the eighth line the word "Bluehill," so that said section as amended, shall read as follows:

'SECT. 31. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners, that is to say, Royall's river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta Mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin and Sullivan, Tunk river in Steuben, Pleasant river in Washington county, East Machias river and the Eastern Penobscot river in Orland.'

[Approved March 14.]

Chapter 93.

AN ACT to amend section fifty-one of chapter seventy of the Revised Statutes, as amended by chapter three hundred and twelve of the Public Laws of eighteen hundred and ninety-three, relating to Insolvency.

Section fifty-one of chapter seventy of the revised statutes as amended by chapter three hundred and twelve of the public laws of eighteen hundred and ninety-three is hereby amended by striking out in the twelfth and thirteenth lines the words "and, or who has been forced into insolvency by a petition of his creditors," and by adding to said section after the word "estate" the following words, 'provided such claim or demand was not created by the fraud or embezzlement of said debtor, or by his defalcation as a public officer, or while acting in a fiduciary character,' so that said section as amended, shall read as follows:

'SECT. 51. No creditor shall commence or maintain any suit against the insolvent debtor, upon a claim or demand which he has proved against such debtor in insolvency, until after a discharge has been refused such debtor, provided, that such debtor proceeds with reasonable diligence to obtain such discharge; and no debtor against whom a warrant in insolvency has been issued is liable to arrest on mesne process or execution, where the claim was provable in insolvency during the pendency of the proceedings, unless the same is unreasonably protracted by the fault or neglect of such debtor. No debtor who has received a discharge in insolvency proceedings, shall ever be arrested on mesne process or any judgment recovered on any claim or demand which was proved or might have been proved against his estate, provided, such claim or demand was not created by fraud or embezzlement of said debtor, or by his defalcation as a public officer, or while acting in fiduciary character.' [Approved March 14.]

Chapter 94.

AN ACT to amend section four of chapter two hundred and fifty-six, Public Laws of Maine, eighteen hundred and ninety-three, entitled "An Act to regulate the sale and analysis of Commercial Fertilizers."

SECT. 1. Section four of chapter two hundred and fifty-six, public laws of Maine, eighteen hundred and ninety-three, is hereby amended by striking out the word "five" after the words "as follows" in the fifth line of said section, and inserting in place thereof the word 'ten,' and by striking out the word "thirty" after the word "which" in the eighth line of said section, and inserting in place thereof the word 'ten,' so that said section, as amended, shall read as follows:

'SECT. 4. Any manufacturer, importer, agent or seller of any commercial fertilizer, who shall deposit with the director of the Maine Experiment Station a sample or samples of fertilizer under the provisions of section two of this act, shall pay annually to said director an analysis fee as follows; ten dollars for the phosphoric acid and five dollars each for the nitrogen and potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand of which thirty tons or more are sold in the state, and upon receipt of such fee and of the certified statement named in section two of this act, said director shall issue a certificate of compliance with this act. Whenever the manufacturer or importer of a fertilizer shall have filed the statement made in section two of this act and paid the analysis fee, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such fee. The analysis fees received by said director shall be paid immediately by him into the treasury of said experiment station.'

SECT. 2. Section six of chapter two hundred fifty-six, public laws of Maine, eighteen hundred and ninety-three, is also amended by inserting after the word "sample" in the third line of said section, the words 'taken in the manner hereinafter prescribed,' and also by striking out the words "reported to the person or persons requesting the analysis, and shall also be" in the twenty-sixth line of said section, so that said section, as amended, shall read as follows:

'SECT. 6. The director of the Maine Experiment Station shall annually analyze, or cause to be analyzed, at least one sample taken in the manner hereinafter prescribed, of every fertilizer sold or offered for sale under the provisions of this act. Said director is hereby authorized and directed in person or by deputy to take a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of fertilizer or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer in this state; but said sample shall be drawn in the presence of said party or parties in interest, or their representatives, and taken from a parcel or a number of packages which shall not be less than ten per cent of the whole lot sampled, and shall be thoroughly mixed and then divided into two equal samples and placed in glass vessels and carefully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section two of this act. The result of analysis of the sample or samples so procured shall be published in a report or bulletin within reasonable time.' [Approved March 14.]

Chapter 95.

AN ACT to amend sections one, twenty-six, thirty-eight, forty-one, sixty-four, seventy-two, seventy-three, seventy-four, eighty-eight and eighty-nine, of chapter forty-nine of the Revised Statutes, relating to Insurance.

SECT. 1. Section one, twenty-six, thirty-eight, forty-one, sixty-four, seventy-two, seventy-three, seventy-four, eighty-eight and eighty-nine, of chapter forty-nine of the revised statutes, relating to insurance, are hereby amended, so that said sections as amended, shall read as follows:

'SECT. 1. A contract of insurance, life excepted, is an agreement by which one party for a consideration promises to pay money or its equivalent, or to do some act of value to the assured upon the destruction or injury of something in which the other party has an interest. And the business involving the issuance of such contracts in this state shall be carried on only by duly incorporated insurance companies. All incorporated insurance companies may exercise the powers and are subject to the duties and liabilities contained herein and in chapter forty-six, so far as consistent with their charters. Associations of individuals now formed or which may hereafter be formed, upon which the plan known as Lloyd's, for the purpose of transacting marine insurance business, may exercise all rights, powers and privileges granted under the laws of this state.

'SECT. 26. The insured, before receiving his policy, shall deposit his note for the sum determined by the directors, which shall not be less than five per cent of the amount insured, and such part of it as the by-laws require, shall be immediately paid and indorsed thereon; and the remainder in such installments, as the directors from time to time required for the payment of losses and other expenses, to be assessed on all who are members when such losses or expenses happen, in proportion to the amounts of their notes. Provided, that a mutual company which collects a cash premium of not less than the tariff rate charged by stock companies may take a premium note for an equal amount and such companies shall maintain a premium reserve equal to fifty per cent of the cash premium on its policies in force. A married woman may insure her property and give her note, with or without her husband, and it shall be as valid against her as if she were unmarried. No domestic mutual insurance company shall insure in one risk an amount exceeding twenty-five per cent of its gross assets, including the amount at any time due on its premium notes.

'SECT. 38. Any ten or more persons, residents of the state, associated by such an agreement in writing as is hereinafter described, with the intention of constituting a corporation for the transaction of insurance business shall, upon complying with section forty-six, become and remain a corporation with all the powers, rights and privileges and be subject to all the duties, liabilities and restrictions set forth in all the general laws relating to insurance corporations. Corporations may be organized as herein provided, upon the stock or mutual principle for the following purposes:

I. To insure against loss or damage to property by fire, lightning or tempest on land.

II. To insure vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea and other perils usually insured against by marine insurance companies, including risks of inland navigation and transportation.

III. To insure against breakage or damage to plate glass, local or in transit.

Corporations may also be organized as herein provided, upon the stock principle, only, for the following purposes:

IV. To insure against loss or damage to property of the assured, or loss or damage to the life, person, or property of another for which the assured is liable, caused by the explosion of steam boilers.

V. To insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person from which loss or damage said person, firm or corporation is responsible.

VI. To insure the owners of domestic animals against loss resulting from the death of or injury to the animals insured.

'SECT. 41. No policy shall be issued by a purely mutual company until applications have been made in good faith, for insurance to the amount of fifty thousand dollars, and no policy shall be issued by a stock company until its capital stock has been paid in, in cash, and invested as provided in section eight.

'SECT. 64. An insurance commissioner, whose office shall be at the state capitol, shall be appointed by the governor and council, and shall hold his office for three years unless sooner removed, but shall not at the same time be examiner of banks. He may administer oaths in the performance of his official duties, in any part of the state at any time. He shall keep a correct account of all of his doings, and of all fees and moneys received by him by virtue of his office, pay over the same to the treasurer of the state quarterly, and at the same time settle his account with the governer and council. He shall give bond to the treasurer, in the sum of five thousand dollars, for the faithful discharge of his duties. He may with the approval of the governor and council, appoint and with their consent remove, a deputy commissioner who by virtue of such appointment, shall be and perform the duties of chief clerk of the department and who shall receive an annual salary of one thousand dollars. In the event of a vacancy in the office of commissioner or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office.

'SECT. 72. No foreign insurance company shall transact any insurance business in this state, unless it first obtains a license from the commissioner. Before receiving such license, it shall furnish the commissioner with,

I. A certified copy of its charter and by-laws.

II. A statement, under oath, signed by its president or secretary, showing its financial condition according to a form supplied by the commissioner.

III. A power of attorney appointing the insurance commissioner of Maine,to be the true and lawful attorney of such company in and for this state, upon whom all lawful process in an action or proceeding against the company may be served with the same effect as if the company existed in this state. Said power of attorney shall stipulate and agree on the part of the company, that any lawful process against the company which is served on said attorney shall be the same in legal force and validity as if served on the company, and that the authority shall continue in force irrevocable so long as any liability remains outstanding against the company in this state. A certificate of such appointment, duly certified and authenticated shall be filed in the office of said commissioner and copies certified by him shall be received in evidence in all courts of this state. Upon receiving the papers herein enumerated the commissioner may, if he deems it advisable, grant a license authorizing the company to do insurance business in this state by constituted agents resident therein subject to its laws, until the first day of the next July, and annually thereafter such license may be renewed so long as he regards the company as responsible and safe, but in all cases to terminate on the first day of the succeeding July. For such license and each renewal the company shall pay the commissioner twenty dollars. Every foreign insurance company now transacting business in this state shall within thirty days from the approval of this act file with the insurance commissioner a power of attorney similar to that herein described.

'SECT. 73. The commissioner may issue a license to any person to act as an agent of a domestic insurance company upon his filing with the commissioner a certificate from the company or its authorized agent empowering him so to act; and to any resident of the state to act as an agent of any foreign insurance company which has received a license to do business in this state as provided in section seventy-two, upon his filing such certificate; and such license shall continue until the first day of the next July. For each such license the commissioner shall receive two dollars, and if any person solicits, receives, or forwards any risk or application for insurance to any company, without first receiving such license, or fraudulently assumes to be an agent and thus procures risks and receives money for premiums, he forfeits not more than fifty dollars for each offense; but any policy issued on such application binds the company if otherwise valid. Agents of duly authorized insurance companies may place risks with agents of other duly authorized companies when necessary for the adequate insurance of property, persons or interests. An insurance agent shall be personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for or in behalf of any company not authorized to do business in the state. Nothing herein contained shall require a duly licensed insurance agent or broker to obtain any license for an employe doing only clerical office work in the office of said agent or broker.

'SECT. 74. The commissioner may license any person as broker to negotiate contracts of insurance for others than himself for a compensation, by virtue of which license he may effect insurance with any domestic company or its agents; or any resident of the state to negotiate such contracts and effect insurance with the agents of any foreign company who have been licensed to do business in this state, as provided in sections seventy-two and seventy-three but with no others. For such license he shall pay five dollars, authorizing him to act until the first day of the next July. Whoever, without such license, assumes to act as such broker, forfeits not more than fifty dollars, or by imprisonment not more than sixty days for each offence. The insurance commissioner may revoke or suspend the license of any agent or broker at any time by giving such agent or broker written notice thereof. When the commissioner revokes the license of any insurance agent or broker, such agent or broker may appeal to a justice of the supreme judicial court, by presenting to him a petition therefor, in term time or vacation, and such justice shall fix a time and place of hearing which may be at chambers and in vacation, and cause notice thereof to be given to the commissioner; and after the hearing he may confirm or reverse the decision of the commissioner; and the decision of such justice is final. The commissioner shall have power to revoke the license of any foreign insurance company authorized to do business in this state that shall neglect or refuse to comply with the laws thereof, or that shall violate any of the provisions of sections seventy-two and seventy-three of chapter forty-nine of the Revised Statutes as hereby amended. The commissioner may issue a license to any person to act as an agent of any assessment life or casualty insurance company or association, or steam boiler insurance company authorized to do business in the state, upon his filing with the commissioner a certificate of his appointment as such agent and upon payment of the fee provided in this act.

'SECT. 88. Every foreign insurance company, life excepted, doing business in this state, shall annually, before the first day of May, publish three weeks successively, in some daily or weekly paper printed in every county where it has a duly authorized agent, or issues policies, a condensed statement of its condition conformable to its last annual report to the commissioner, and any such insurance company which neglects or refuses to publish such statement, forfeits not less than fifty dollars.

'SECT. 89. Any person having a claim against any foreign insurance company, may bring a trustee action or any other appropriate suit therefor in the courts of this state. Service made upon the insurance commissioner or upon any duly appointed agent of the company within the state shall be deemed sufficient service upon the company, and the judgment rendered therein shall bind the company as valid in every respect, whether the defendants appear or not. Unless such judgment is paid within thirty days after demand, the commissioner may on notice and hearing of the parties, suspend the power of the company to do business in this state until it is paid, and if the company or any agent thereof issues any policy in the state during such suspension, said company and agent each forfeits not exceeding one hundred dollars; but any policy so issued is binding on the company in favor of the holder. Whenever lawful process against an insurance company shall be served on the insurance commissioner, he shall forthwith notify the company of such service by letter and within a reasonable time forward a copy of the process served on him, by mail, postpaid, and directed to the officers of the company. For each copy of process the insurance commissioner shall collect the sum of two dollars, which shall be paid by the plaintiff at the time of the service, the same to be recovered by him as part of the taxable costs if he prevails in the suit.'

SECT. 2. The provisions of this act shall not be held to be applicable to fraternal beneficiary organizations doing business under chapter two hundred and thirty-four of the public laws of eighteen hundred eighty-nine, as amended.

[Approved March 14.]

Chapter 96.

AN ACT to amend chapter one hundred and forty-six of the Public Laws of eighteen hundred and ninety-three, relating to the Taxation of Collateral Inheritances.

SECT. 1. Section one of chapter one hundred and forty-six of the public laws of eighteen hundred and ninety-three, is hereby amended by inserting after the word "decedent" and before the word "shall" in the eleventh line of said section, the following 'or any educational, charitable or benevolent institution in this state,' so that said section as amended, shall read as follows:

'SECT. 1. All property within the jurisdiction of this state, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this state, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son or the husband of the daughter of a decedent, or any educational, charitable or benevolent institution in this state, shall be liable to a tax of two and a half per cent of its value, above the sum of five hundred dollars, for the use of the state, and all administrators, executors and trustees, and any such grantee under a conveyance made during the grantor's life shall be liable for all such taxes, with lawful interest as hereinafter provided until the same shall have been paid as hereinafter directed.'

SECT 2. The foregoing amendment to section one shall apply to all such taxes now unpaid.

SECT. 3. Section two of said chapter is hereby amended by inserting after the word "blood" and before the word "the" in the seventh line of said section the words 'other than an educational, charitable or benevolent institution in this state,' also by striking out the words "sixty days after the death of the testator" in the lines seven and eight and by inserting in lieu thereof the words 'within three months after the appointment of the executor,' also by inserting after the word "testator" in the twelfth line the words 'or within such further time as the judge of probate may allow,' so that said section as amended, shall read as follows:

'SECT. 2. Whenever any person shall bequeath or devise any property to or for the use of the father, mother, husband, wife, lineal descendant, an adopted child, the lineal descendant of an adopted child, the wife or widow of a son, or the husband of a daughter during life or for a term of years, and the remainder to a collateral heir, or to a stranger to the blood, other than an educational, charitable or benevolent institution in this state, the value of the prior estate shall, within three months after the appointment of the executor be appraised in the manner hereinafter provided, and deducted, together with the sum of five hundred dollars, from the appraised value of such property, and said tax on the remainder shall be payable within one year from the death of said testator, or within such further time as the judge of probate may allow, and, together with any interest that may accrue on the same, be and remain a lien on said property until paid to the state."

SECT. 4. Section four of said chapter is hereby amended by striking out in the third and fourth lines of said section, after the word "within," the words "one year from the death of said testator, or intestate, or the qualification of said trustee," and substituting in the place thereof the words 'thirty days from the date of the decrees determining the amount thereof,' so that said said section when amended, shall read as follows:

'SECT. 4. All taxes imposed by this act shall be payable to the treasurer of state by the executors, administrators, or trustees within thirty days from the date of the decrees determining the amount thereof; and if the same are not so paid, interest at the rate of nine per cent shall be charged them and collected from the time said tax became due."

SECT. 5 Section five of said chapter is hereby amended by adding after the word "thereon" in the third line of said section the words 'and interest chargeable under this act,' so that said section as amended, shall read as follows:

'SECT. 5. Any administrator, executor, or trustee, having in charge or trust any property subject to such tax, shall deduct the tax therefrom, or shall collect the tax thereon, and interest chargeable under this act, from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.'

SECT. 6. Section twelve of said chapter is hereby amended by striking out in the third and fourth lines of said section the words "but the state assessors, or any person interested in the succession to said property," and substituting in the place thereof the words 'after public notice or personal notice to the state assessors and all persons interested in the succession to said property, or the state assessors or any of said persons interested,' so that said section when amended, shall read as follows:

'SECT. 12. The value of such property as may be subject to said tax shall be its actual market value as found by the judge of probate, after public notice or personal notice to the state assessors and all persons interested in the succession to said property, or the state assessors or any of said persons interested may apply to the judge of probate having jurisdiction of the estate and on such application the judge shall appoint three disinterested persons, who, being first sworn, shall view and appraise such property at its actual market value for the purposes of said tax, and shall make return thereof to said probate court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted it shall be binding upon the person by whom this tax is to be paid, and upon the state. And the fees of the appraisers shall be fixed by the judge of probate and paid by the executor, administrator, or trustee. In case of an annuity or life estate the value thereof shall be determined by the so-called actuaries' combined experience tables and five per cent compound interest.'

SECT. 7. Section fourteen of said chapter is hereby repealed.

SECT. 8. Section sixteen of said chapter is hereby amended by adding after the word "show" in the third line of said section the words 'on oath or affirmation of the accountant,' so that said section when amended, shall read as follows:

'SECT. 16. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed by any judge of probate unless it shall show, on oath or affirmation of the accountant, and the judge of said court shall find, that all taxes, imposed by the provisions of this act, upon any property or interest therein belonging to the estate to be settled by said account, shall have been paid, and the receipt of the treasurer of state for such tax shall be the proper voucher for such payment.'

SECT. 9. After failure to pay such tax, as provided in said act, such an administrator, executor or trustee is liable to the state on his administration bond for such tax and interest, and an action shall lie thereon without the authority of the judge of probate; or an action of debt may be maintained in the name of the state against any such administrator, executor or trustee, or any such grantee, for such tax and interest. But if such administrator, executor or trustee, after being duly cited therefor, refuses or neglects to return his inventory or to settle an account, by reason whereof the judge of probate cannot determine the amount of such tax, such administrator, executor or trustee shall be liable to the state on his administration bond for all damages occasioned thereby. [Approved March 14.

Chapter 97.

AN ACT to amend chapter two hundred and fifty-nine of the Public Laws of eighteen hundred and ninety-three, entitled "An Act to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by Itinerant Vendors, and to regulate such sales."

SECT. 1. Section four of chapter two hundred and fifty-nine of the public laws of eighteen hundred and ninety-three is hereby amended by adding at the end of said section the following words, 'no person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void,' so that said section, as amended, shall read as follows:

'SECT. 4. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee,the secretary of the state shall issue to him an itinerant vendor's license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from,the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vender, either by agent or clerk or in any way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid that principal but not to act for or without him. No person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void.'

SECT. 2. Section five of said act is hereby amended by inserting after the word "for" in the first line, the word 'state,' and by striking out the words "respective town and city clerks," in the seventh line, and inserting the words 'several towns relative to such licenses,' so that said section as amended, shall read as follows:

'SECT. 5. All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interest said business is conducted, and shall be kept on file by the secretary of state, and a record shall be kept by him of all licenses issued upon such applications. All files and records both of the secretary of state and of the several towns relative to such licenses, shall be in convenient form, and open for public inspection.'

SECT. 3. Section six of said act is hereby amended by striking out the whole section, and inserting in place thereof the following:

'SECT. 6. Every itinerant vendor intending to sell goods in any town shall file his state license and an application for a local license with the collector of taxes for such town, and before selling, offering or exposing for sale any goods in such town shall pay to the collector for the use of such town, as a further local license fee for such sale in such town, a sum to be computed as provided in the next following section. A receipt for said local license fee when paid, shall be indorsed by said collector on the back of such state license, which shall remain on file with such collector so long as such sale shall continue or such goods be kept, exposed or offered for sale in such town. Every application for a local license shall be signed by the holder of the accompanying state license and shall specify the kind and line of goods then in stock in such town, the name of the town from which said goods were last shipped, and the name of the town in which said goods were last exposed or offered for sale. Such local license fee shall be computed and collected in each town respectively, in which said goods shall be successively offered or exposed for sale.'

SECT. 4. Section seven of said act is hereby amended by striking out the whole of said section, and inserting in place thereof the following:

'SECT. 7. The collector of taxes for any town upon receiving an application in due form as provided in the last preceding section, accompanied by such applicant's state license shall forthwith give notice thereof to the assessors of said town. Said assessors, or a majority of them, shall as soon as practicable examine the stock of goods described in such application, and shall compute and certify to said collector the amount of said applicant's local license fee for such intended sale in said town which shall be a percentage on the full value of said stock of goods equal to the rate per cent of the last preceding taxation in said town. The payment of said local license fee to said collector shall authorize such applicant who has complied with all other requirements of law to sell within the limits of said town, such goods, wares and merchandise as are described in his application, and for that purpose to carry in stock in said town, goods only of the kind or line specified in his application, and not to exceed in amount at any one time the valuation on which his local license fee for such town was computed, and to continue in force so long as such licensee shall in good faith continuously keep, offer and expose for sale the same kind or line of goods specified in his application, except that such license and authority shall in any event terminate and expire on the first day of April next following the date of application. Any itinerant vendor, who after applying or paying for a local license shall increase his stock kept, offered or exposed for sale in the town for which such local license fee was paid above the valuation on which such local license fee was computed, without first making seasonable written application to the collector of such town for a supplemental license for such excess of stock shall be fined not less than twenty nor more than fifty dollars, and for each day such excess of stock is kept, offered or exposed for sale without payment of local license fee therefor shall be fined not less than twenty nor more than fifty dollars, and forfeit his state license. Supplemental licenses shall be applied for, and the fees therefor shall be computed, certified and collected in the manner provided for local license fees.'

SECT. 5. Section eight of said act is hereby amended by striking out the whole of said section, and inserting in place thereof the following:

'SECT. 8. Whoever as proprietor or clerk, having in his care, custody or keeping, any goods for the sale of which a local license is required, neglects or refuses to file the application for local license required by law, or whoever makes a false or fraudulent representation or statement in any application for a local license, shall be fined not less than twenty nor more than fifty dollars for each day such goods are kept,offered or exposed for sale. The penalties provided in this act are not to be construed as substitutes for payment of local license fees.'

SECT. 6. Section nine of said act is hereby amended, so as to read as follows:

'SECT. 9. Every town in which is kept, exposed or offered for sale an itinerant vendor's stock of goods has a lien on such goods for the amount due such town for local license fee on such stock, to be enforced by suit and attachment within ten days from the time such goods were first publicly offered or exposed for sale in such town. When any person liable therefor neglects or refuses to pay the local license fee provided in this act, the tax collector of the town to which such license fee is due may maintain an action of debt by writ of attachment or trustee process therefor in the name of such town or in his own name, but for the benefit of such town. It is made the duty of tax collectors, police officers and constables to prosecute for violations of the provisions of this act in their respective towns, and to report such violations promptly to the assessors for the purpose of computing and certifying such local license. Municipal courts and trial justices shall have concurrent jurisdiction with the supreme judicial and superior courts of all complaints and prosecutions under this act.'

SECT. 7. Section fifteen of said act is hereby amended by adding at the end of said section the following words: 'No itinerant vendor shall be relieved or exempted from the provisions and requirements of this act by reason of associating himself in business temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant,' so that said section as amended, shall read as follows:

'SECT. 15. The words 'itinerant vendors' for the purposes of this act shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in traveling from place to place selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise. No itinerant vendor shall be relieved or exempted from the provisions and requirements of this act by reason of associating himself temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as a part of, or in the name of any local dealer, trader or merchant.'

[Approved March 14.]

Chapter 98.

AN ACT to provide for the investigation of the causes of fires, and the publication of statistics relating to the same.

SECT. 1. When property is destroyed by fire, it shall be the duty of the municipal officers in cities and towns to make investigation of the cause, circumstances and origin thereof, and especially to examine whether it was the result of carelessness or of design. The investigation shall be commenced within six days of the occurrence of the fire, not including the Lord's day, and it shall be the duty of the mayor in cities and of the chairman of the selectmen in towns to call such meeting of the municipal officers. And said municipal officers shall have the powers vested in trial justices to compel the attendance of witnesses to testify before them upon such inquest.

SECT. 2. They shall present to the city or town clerk, for record by him in a book provided by the insurance commissioner, a written statement of all the facts relating to the cause of such fire, the kind, value and ownership of property destroyed, and of such other particulars as may be called for in the form provided, and of any other facts which to them seem pertinent; and such record shall be made within two weeks of the occurrence of the fire.

SECT. 3. The clerk shall make a transcript of such fire record upon a blank form provided by the insurance commissioner, for each six months preceding, and forward the same to the insurance commissioner within fifteen days from the first day of July and the first day of January in each year. He shall also transmit to the insurance commissioner within a reasonable time, upon his request, a copy of the record as to any particular fire, or any facts concerning it.

SECT. 4. Any officer neglecting or refusing to perform any duty required of him by the provisions of this act, shall be fined not exceeding one hundred dollars.

SECT. 5. The insurance commissioner shall classify and tabulate the statistics so obtained and shall publish them in his annual report.

[Approved March 14.]

Chapter 99.

AN ACT additional to Chapter one hundred twenty-eight of the Revised Statutes, relating to Eggs.

Whoever, by himself or his agent, sells or offers for sale eggs that have been in cold storage or limed, or that have been preserved in any manner and are not what are usually denominated fresh eggs, without notice to the purchaser or purchasers, knowingly and with intent to deceive, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

[Approved March 14.]

Chapter 100.

AN ACT to fix the salaries of the Judge and Register of Probate for Waldo County.

SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and ninety-five, the salary of the judge of probate for the county of Waldo shall be three hundred and fifty dollars per year instead of the sum now fixed by law.

SECT. 2. From and after the first day of January in the year of our Lord one thousand eight hundred and ninety-five, the salary of the register of probate for the county of Waldo shall be five hundred dollars per year instead of the sum now fixed by law.

SECT. 3. This act shall take effect when approved. [Approved March 14.]

Chapter 101.

AN ACT in relation to the Inspection of Buildings, so as to lessen the danger from fires.

SECT. 1 In every town and city of more than two thousand inhabitants, the municipal officers shall annually in the month of April appoint an inspector of buildings, who shall be a man skilled in the construction of buildings. The municipal officers shall define the limits within which the inspector of buildings shall have jurisdiction, which shall include the thickly settled portion of each such city, and of each village in each such city or town.

SECT. 2. It shall be his duty to inspect each new building during the process of construction, so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe, and that proper cut-offs are placed between the timbers in the walls and floorings where fire would be likely to spread; and may give such directions in writing to the owner or contractor as he deems necessary, concerning the construction of such building so as to render the same safe from the catching and spreading of fire.

SECT. 3. It shall be his duty to inspect all buildings while in process of being repaired, and see that all reasonable safeguards are used against the catching and spreading of fire, and that the chimneys and flues are made safe; and he may give such directions in writing to the owner as he deems necessary concerning such repairs, as to render such building safe from the catching and spreading of fire.

SECT. 4. It shall be his duty at least once in three years, and oftener when required by the municipal officers, to inspect chimneys, flues, funnels, stoves, furnaces, boilers and boiler connections, and heating apparatus in all the buildings within his jurisdiction, in which fire is kept or used, to ascertain if the same are safe against fire. He may give such directions in writing as he may deem necessary to the owner of said building to make changes in the construction or situation of such chimneys, flues, funnels, stoves, furnaces, boilers, boiler connections and heating apparatus, so as to make the same as aforesaid. And the municipal officers may require such inspection of any particular building at any time.

SECT. 5. An inspector of buildings in the performance of his official duty may enter any building for the purposes of making the inspection required by this act.

SECT. 6. An appeal in writing may be taken from any order or direction of the inspector of buildings to the municipal officers, whose order thereon shall be final.

SECT. 7. No new building shall be occupied until the inspector of buildings has given a certificate that the same has been built in accordance with the provisions of this act, and so as to be safe from fire; if the owner permits it to be so occupied without such certificate, he shall be liable to a fine of ten dollars for each week he permits such building to be so occupied, to be recovered by complaint or indictment. In case the inspector of buildings should from any cause decline to give his certificate where the builder has in his own judgment complied with the provisions in this act, an appeal may be taken to the municipal officers and if on such an appeal, it shall be decided by them that the provisions of the act have been complied with, the owner of said building shall not be liable to a fine for want of the certificate of the inspector.

SECT. 8. If the owner of any building neglects or refuses for more than thirty days to comply with any direction of the inspector of buildings given as aforesaid, concerning the repairs on any building, as provided in section three, or to make such changes in the construction or situation of the chimneys, flues, funnels, stoves, furnaces, boilers and boiler connections, and heating apparatus, as may be required by such inspector of buildings, under the provisions of section four, or as may be confirmed by the municipal officers on appeal, he shall be liable to a fine of ten dollars for each week he so neglects or refuses, to be recovered by complaint or indictment.

SECT. 9. Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings, or wilfully obstructs him in the inspection of such building as required by this act, shall be liable to a fine of not less than one nor more than twenty dollars, to be recovered by complaint or indictment.

SECT. 10. Municipal courts and trial justices shall have jurisdiction of the offenses named in sections seven, eight and nine.

SECT. 11. Towns and cities may make by-laws not inconsistent with this act, defining more particularly the duties of such inspector of buildings, and the rules and regulations by which he is to be governed.

SECT. 12. Municipal officers shall determine the compensation or salary of the inspector of buildings.

SECT. 13. This act shall take effect when approved. [Approved Mar. 14.]

Chapter 102.

AN ACT to provide for the incorporation and control of Gas and Electric Companies, for lighting, heating, manufacturing and mechanical purposes.

SECT. 1. Corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns, within this state, or for either or any such purposes, may be organized under the provisions of sections sixteen, seventeen, eighteen, nineteen and twenty of chapter forty-eight of the revised statutes of this state, and acts amendatory thereof and additional thereto, and all provisions of said chapter and acts are hereby made applicable to such corporations. But no corporation, organized hereunder, shall have authority, without special act of the legislature, to make, generate, sell, distribute or supply gas or electricity, or both, for any purpose, in or to any city or town, in or to which another company, person or firm are making, generating, selling, distributing or supplying, or are authorized to make, generate, sell, distribute or supply gas or electricity, or both, without the consent of such other company, person or firm.

SECT. 2. The certificate provided by said section eighteen to be prepared and filed in the secretary of state's office, shall specify, in addition to the statements required by said section, the city or town, or the adjoining cities or towns within which said corporation proposes to make, generate, sell, distribute or supply gas or electricity, or both, for the purposes named in section one of this act and no corporation shall be authorized to make, generate, sell, distribute or supply gas or electricity, in any city or town not specified in said certificate.

SECT. 3. Any manufacturing corporation located and doing business in a town or city in which a company incorporated under this act proposes to manufacture and introduce gas or electricity for any of the purposes named in this act, may take and hold stock in such gas or electric company to an amount not exceeding ten per cent of the capital stock of such last named company.

SECT. 4. Corporations incorporated under this act shall be authorized to purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which it is created.

SECT. 5. Every such corporation shall have authority to lay its pipes and wires and construct and maintain its lines in, upon, along, over, across and under the roads and streets in any city or town in which it is authorized to supply gas or electricity, or both, subject, however, to the conditions and restrictions hereinafter provided. But no corporation organized hereunder shall have authority, except by special act of the legislature, to take, appropriate or use, the location, pipes, lines or other property of any other corporation, person or firm, doing or authorized to do a similar business, without the consent of such other corporation, person or firm.

SECT. 6. No such corporation shall lay its pipes or bury its wires in any road or street, or dig up or open the ground in any road or street, until it shall have obtained a permit in writing from the municipal officers of the city or town in which such road or street is located, which permit shall be signed by such municipal officers, and shall specify the roads and streets and the location therein in which such pipes or wires shall be laid; but such permit shall not affect the right of any party or parties to recover damages for any injury to persons or property by the doings of any such corporation. Upon application to them for such permit, the municipal officers to whom it is presented shall appoint a time and place of hearing thereon, and cause said corporation to give public notice thereof by publication in some newspaper published or printed in said city or town, if any, at least fourteen days before said hearing; if no newspaper is published or printed in said town or city, then by posting such notice in two or more public and conspicuous places therein, at least fourteen days before said hearing. At such hearing any resident and property owner in said city or town, and all other parties interested, may appear, and shall be given an opportunity to be heard.

SECT. 7. Said corporation shall so dig up and open such roads and streets in such a manner as to discommode the public travel as little as possible, and shall put all such highways, roads and streets which it shall dig into and open, into as good repair as they were before they were dug into and opened; and on failure so to do within a reasonable time such corporation shall be decreed guilty of nuisance.

SECT. 8. Every such corporation authorized to make, generate, distribute and supply electricity for the purposes named in this act shall be authorized to construct and maintain its poles, lines, fixtures and appliances upon, along, over and across the roads and streets of any city or town in which it is authorized to do business, upon the conditions and under the restrictions provided herein and by chapter three hundred and seventy-eight of the public laws of eighteen hundred and eighty-five, and all acts additional thereto and amendatory thereof, and all the provisions of said chapter and acts not inconsistent herewith are hereby made applicable to such corporations; provided, however, that the same shall not be so constructed as to incommode the use of such roads and streets for public travel; and provided, further, that no such corporation shall injure, cut down or destroy any fruit trees, or any tree or shrub standing and growing for the purposes of shade or ornament.

SECT. 9. Any such corporation, by vote at a meeting of its stockholders called for the purpose, may issue coupon or registered bonds to provide means for constructing its lines and plant, funding its floating debt, or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge, as security for the payment of the principal and interest of such bonds, a part or all of its property and franchise. Such bonds may be issued in sums not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding six per cent a year, payable annually or semi-annually, to an amount which, including that of bonds previously issued, shall not exceed in all the capital stock of the corporation actually paid in at the time.

SECT. 10. Every corporation incorporated under the provisions of this act shall be liable in all cases, to repay any city or town all sums of money that said city or town may be obliged to pay on any judgment recovered against it for damages occasioned by any obstruction, digging up or displacement of any way or street by said corporation, together with counsel fees and expenses necessarily incurred in defending said town in actions therefor; provided, however, that said corporation shall have notice of the commencement of any and all suits for such damage, and such corporation shall have the right to defend any such action at its own expense.

SECT. 11. This act shall take effect when approved. [Approved March 15.]

Chapter 103.

AN ACT to provide for the incorporation and control of Telegraph Companies and Telephone Companies.

SECT. 1. Telegraph companies and telephone companies and companies for the operation of both telegraphs and telephones, may be organized under the provisions of sections sixteen, seventeen, eighteen, nineteen and twenty of chapter forty-eight of the revised statutes of this state and acts amendatory thereof and additional thereto, and all the provisions of said sections and acts are hereby made applicable to such corporations.

SECT. 2. The certificate provided by said section eighteen to be prepared and filed in the secretary of state's office, shall set forth in addition to the statements required by said section, the general route of telegraph or telephone lines proposed to be constructed by such corporation and the points to be connected thereby.

SECT. 3. Corporations organized under the provisions of this act shall have authority, except as herein limited, to construct, maintain and operate its lines upon and along the route or routes and between the points stated in its certificate of incorporation. But no corporation organized hereunder shall have authority without special act of the legislature, to construct its lines along the route or routes, used or authorized to be used, by any other telegraph or telephone company, person or firm, or between points connected, or authorized to be connected, by the lines of any such company, person or firm, unless it shall first obtain the consent of such other company, person or firm.

SECT. 4. Such corporations may, subject to the conditions and restrictions provided herein and by the statutes of this state, construct its lines along, over, under and across any of the roads and streets and across or under any of the waters upon and along its route or routes, with all necessary erections and fixtures therefor; provided, however, that the same shall not be so constructed as to incommode the use of such roads and streets for public travel, or interrupt the navigation of such waters; and provided, further, that no such corporation shall injure, cut down or destroy any fruit tree, or any tree or shrub standing and growing for the purpose of shade or ornament; and provided, further, that this act shall not be so construed as to authorize the construction of any bridge across any of the waters of the state.

SECT. 5. Any such corporation, by vote at a meeting of its stockholders called for the purpose, may issue coupon or registered bonds to provide means for constructing its lines, funding its floating debt, or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge as security for the payment of the principal and interest of such bonds a part or all of its property and franchise. Such bonds may be issued in sums not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding six per cent a year, payable annually or semi-annually, to an amount which, including that of bonds previously issued, shall not exceed in all the capital stock of the corporation actually paid in at the time.

SECT. 6 Any such corporation shall be authorized to connect its line or lines with those of any other like corporation, and to sell or lease its lines and property, in whole or in part, to any other like corporation, and to purchase or lease the line, or lines, and property, in whole or in part, of any like corportion, upon such terms as may be agreed upon by the contracting parties.

SECT. 7. Such corporations may purchase, or take and hold as for public uses, land necessary for the construction and operation of its lines. Land may be so taken and damages therefor may be estimated, secured, determined and paid as in case of railroads. But no corporation organized hereunder shall, without special act of the legislature, take, use or appropriate except as herein provided, the lines, land, location or other property of any other corporation, person or firm doing or authorized to do a like business, except by consent of such other company, person or firm.

SECT. 8. Section eleven of chapter three hundred and seventy-eight of the public laws of eighteen hundred and eighty-five, as amended by section one of chapter eight of the public laws of eighteen hundred and ninety-one, is hereby repealed, and all other provisions of said chapter three hundred and seventy-eight not inconsistent herewith, are hereby made applicable to corporations organized under this act.

SECT. 9. This act shall take effect when approved. [Approved March 18.]

Chapter 104.

AN ACT amendatory of and additional to chapter forty of the Revised Statutes, relating to Fish and Fisheries.

SECT. 1. Section thirty-three of chapter forty of the revised statutes is hereby amended, so as to read as follows:

'SECT. 33. The governor with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the state, and who shall hold said office so long as he shall remain land agent of the state, and shall receive in addition to his present salary annually, the sum of two hundred dollars; the other two members shall hold their office for three years, and until their successors are appointed and qualified, and shall each receive an annual salary of one thousand dollars. Said commissioners shall receive in addition to their salary, actual traveling expenses to be audited by the governor and council. The governor, with the advice and consent of the council, shall also appoint one other commissioner who shall have general supervision of the sea and shore fisheries and shell fish, regulated by this chapter, and shall hold this office for three years and until his successor is appointed and qualified.

SECT. 2. Chapter forty of the revised statutes is hereby further amended, by adding thereto the following sections:

'SECT. 75. Said commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fish ways, and the location, form and capacity thereof; introduce and disseminate valuable species of food fish into the inland waters of the state, and valuable food birds into the state. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall report annually to the governor, on or before the thirty-first day of December, who shall cause three thousand copies to be printed.'

'SECT. 76. The commissioners of inland fisheries and game shall have authority, upon petition of five or more citizens of the state, or whenever they shall deem it for the best interests of the state, after due notice and public hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which so doing is prohibited by the laws of the state.

'SECT. 77. Whenever they deem it for the best interests of the state, after like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish in any part of the state for a series of years not exceeding four.

'SECT. 78. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the state, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the state, in conformity with the provisions of sections seventy-six and seventy-seven of this chapter.

'SECT. 79. They shall file in the office of the clerks of the cities, towns and plantations in the territory to be affected a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county and post on the banks of waters to be affected as near as may be like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of state.

'SECT. 80. Whoever fishes for, takes, catches, kills or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal taking, catching, killing or destroying any such inland fish.

'SECT. 81. Whoever at any time or in any manner shall hunt, chase, catch, kill, take, have in possession, or destroy any inland game in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal hunting, chasing, catching, killing, taking, having in posession, or destroying any such inland game.'

SECT. 82. Any person who willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this act, shall be punished by a fine not exceeding fifty dollars, to be recovered by complaint or indictment; one half of said fine shall be paid to the prosecutor.

SECT. 3. Section forty of chapter forty of the revised statutes, and all amendments thereto are hereby repealed.

SECT. 4. The governor with the advice and consent of council, upon the recommendation of the commissioners of inland fisheries and game may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed; who shall enforce all laws relating to inland game and fisheries, and rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act give bond with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioners of inland fisheries and game to the treasurer of the state, conditioned for the faithful performance of the duties of their office.

SECT. 5. The governor, with the advice and consent of council, upon the recommendation of the commissioner of sea and shore fisheries may appoint suitable persons as fish wardens, who shall hold office for a term of three years unless sooner removed, who shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violaters thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act give bond with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioner of sea and shore fisheries, to the treasurer of the state, conditioned for the faithful performance of the duties of their office.

SECT. 6. All acts and parts of acts inconsistent with this act, are hereby repealed.

[Approved March 18.]

Chapter 105.

AN ACT to amend section sixty-six of chapter forty-nine of the Revised Statutes, relating to Insurance.

Section sixty-six of chapter forty-nine of the revised statutes is hereby amended by adding thereto the following: 'provided, that domestic mutual fire insurance companies shall be required to pay only the actual expenses incurred by the commissioner in making the examination herein required,' so that said section, as amended, shall read as follows:

'SECT. 66. Every such company shall organize within two years after its charter is granted, or its charter shall be void; and upon such organization it shall inform the commissioner thereof. No such company shall commence business by issuing policies until the commissioner has examined and ascertained that it has complied with the terms of its charter, paid in its capital stock and become qualified to act; and he shall then issue to it his certificate of that fact, for which service he shall receive from it twenty dollars and all traveling expenses; and annually thereafter upon examination, so long as the same is found solvent and responsible to do business, he shall issue to it a like certificate and receive a like fee. Provided, that domestic mutual fire insurance companies shall be required to pay only the actual expenses incurred by the commissioner in making the examination required by law.'

[Approved March 19.]

Chapter 106.

AN ACT to amend section thirty-three of chapter eighty-three of the Revised Statutes, relating to Justices of the Peace and Quorum.

Section thirty-three of chapter eighty-three of the revised statutes, is hereby amended by adding after the words "trial justices," in the first line, and after the words "trial justices," in the third line, the words 'and judges of municipal and police courts,' so that said section as amended, shall read as follows:

'SECT. 33. Trial justices and judges of municipal and police courts are, ex-officio, justices of the peace and of the quorum, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of trial justices and judges of municipal and police courts, are of equal effect.' [Approved March 19.]

Chapter 107.

AN ACT to amend section sixty-seven of chapter eighty-one of the Revised Statutes, relating to Attachments.

SECT. 1. Section sixty-seven of chapter eighty-one of the revised statutes is hereby amended by adding at the end thereof the following: 'but an attachment of real estate shall expire at the end of five years from the date of filing the same in the office of the register of deeds in the county or district where the said real estate or some part of it is situated, subject to the exceptions named in this section, unless the said register shall, within said period, at the request of the plaintiff or his attorney, bring forward the same upon the book of attachments, in which case the time shall be extended for a further period of five years. The register shall be entitled to the same fee for bringing forward such attachment upon said book of attachments, as for the original entry thereof, so that said section as amended, shall read as follows:

'SECT. 67. An attachment of real or personal estates continues for thirty days, and no longer, after final judgment in the original suit, and not in review or error; except attachments of equities of redeeming real estate mortgaged or taken on execution; or equities of redemption sold on execution; or an obligee's conditional right to a conveyance of real estate on execution; or property attached and replevied; or property attached belonging to a person dying thereafter, or specially provided for in any other case; but an attachment of real estate shall expire at the end of five years from the date of filing the same in the office of the register of deeds in the county or district where the said real estate or some part of it is situated, subject to the exceptions named in this section, unless the said register shall, within said period, at the request of the plaintiff or his attorney bring forward the same upon the book of attachments, in which case the time shall be extended for a further period of five years. The register shall be entitled to the same fee for bringing forward such attachment upon the said book of attachments, as for the original entry thereof.'

SECT. 2. This act shall take effect January one, eighteen hundred and ninety-six.

[Approved March 20.]

Chapter 108.

AN ACT to amend section twenty of chapter sixty-five of the Revised Statutes, relating to Assignment of Dower and Partition of Real Estate.

Section twenty of chapter sixty-five of the revised statutes, is hereby amended by striking out the words "in the registry," in the fourth line, and inserting after the word "and" in the same line the words 'the register of probate shall make out and certify a true copy thereof to the register,' so that said section when amended, shall read as follows:

'SECT. 20. The judge may set aside the return of the commissioners, and commit the case anew to the same or other commissioners. The return when accepted by the court, shall be recorded in the probate office, and the register of probate shall make out and certify a true copy thereof to the register of deeds for the county in which the lands lie, and be binding, to all intents and purposes, upon all the persons interested, saving the right of appeal to the supreme court of probate.'

[Approved March 20.]

Chapter 109.

AN ACT to amend section nine of chapter ninety-five of the Public Laws of eighteen hundred and ninety-one, as amended by chapter two hundred fifty of the Public Laws of eighteen hundred and ninety-three, to prohibit the killing of cow moose and fixing an additional penalty for killing bull moose, caribou and deer in close time.

Section nine of chapter ninety-five of the public laws of eighteen hundred and ninety-one, as amended by chapter two hundred and fifty of the public laws of eighteen hundred and ninety three is hereby amended as follows: By striking out all of said section after the word "dog" in the second line, and inserting the following words, 'jack lights, so called, torches, traps or snares, any bull moose, or in any manner hunts, catches, kills, destroys or has in possession any cow or calf moose, or part thereof, forfeits not less than one hundred nor more than three hundred dollars for every bull moose or cow or calf moose so hunted, caught, killed, destroyed or had in posession, and be imprisoned not exceeding thirty days; and no person shall, between the first days of January and October, in any manner, hunt, catch, kill, destroy or have in posession any bull moose, or any part thereof, taken in close time, under the same penalty,' so that said section as amended, shall read as follows:

'SECT. 9. Whoever hunts, catches, kills or destroys with dogs, jack lights, so called, snare or traps, any bull moose, or in any manner hunts, catches, kills, destroys or has in possession any cow or calf moose, or part thereof, forfeits not less than one hundred nor more than three hundred dollars for every bull moose or cow or calf moose so hunted, caught, killed, destroyed or had in possession and be imprisoned thirty days; and no person shall, between the first days of January and October, in any manner, hunt, catch, kill, destroy or have in possession any bull moose, or any part thereof, taken in close time, under the same penalty.'

[Approved March 20.]

Chapter 110.

AN ACT to further amend an act entitled, "An Act to amend section two of chapter two hundred forty-two of the Public Laws of eighteen hundred ninety-three, relating to Free Public Libraries," approved February twenty-three, in the year of our Lord eighteen hundred ninety-five.

The act to amend an act entitled, "An Act to amend section two of chapter two hundred forty-two of the public laws of eighteen hundred ninety-three," approved February twenty-three, in the year of our Lord eighteen hundred ninety-five, is hereby further amended by striking out after the words "certify to the," the words "state treasurer," and inserting in place thereof the words 'governor and council'; also by striking out after the words "and the," the words "state treasurer thereupon shall pay to said town from the state treasury," and inserting in place thereof the words 'governor, with the advice and consent of the council, shall draw a warrant on the state treasurer'; also, by inserting after the word "library" and before "a," the word 'for'; so that said section as amended, shall read as follows:

'SECT. 2. The municipal officers in any town or city where a free public library is established, shall annually, on the first day of May, certify to the governor and council the amount of money appropriated and expended by said town or city during the preceding year, for the purchase of books and documents for the use and benefit of such free public library, and for the payment of the running expenses thereof; and the governor, with the advice and consent of the council, shall draw a warrant on the state treasurer for the purchase of books for the use of such library, for a sum equal to ten per cent of the amount expended by said town, as certified by its municipal officers.'

[Approved March 20.']

Chapter 111.

AN ACT to amend section three of chapter two hundred and forty-two of the Public Laws of eighteen hundred and ninety-three, relating to Free Public Libraries.

Section three of chapter two hundred and forty-two of the public laws of eighteen hundred and ninety-three is hereby amended by inserting after the word "dollars" in the third line, the words 'and in cities or towns having more than ten thousand inhabitants, a sum not exceeding one thousand dollars,' so that said section, as amended, shall read as follows:

'SECT. 3. Any town or city in which there is a library owned or controlled by a corporation or association, may appropriate a sum not exceeding five hundred dollars, and in cities or towns having more than ten thousand inhabitants, a sum not exceeding one thousand dollars yearly, to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books, and such library may then be considered a free public library, and said town or city shall be entitled to the benefits of the preceding section, provided, that any books and documents purchased with said state stipend, and all books and documents donated by the state, shall be and remain the property of said municipality. [Approved March 20.]

Chapter 112.

AN ACT relating to Fraternal Beneficiary and Assessment Corporations.

SECT. 1. The insurance commissioner, in person or by deputy, shall have the power of visitation and examination into the affairs of any domestic corporation subject to the provisions of chapter two hundred and thirty-four of the public laws of eighteen hundred and eighty-nine, as amended, that are conferred upon him by chapter forty-nine of the revised statutes, provided, that he shall not be required to make periodical examinations. Whenever upon examination the commissioner is satisfied that such corporation is not paying the maximum amount named in its policies or certificates in full, or is in such condition as to render further proceedings hazardous to the public or its policyholders; or whenever any domestic corporation subject to the provisions of chapters two hundred and thirty-four and two hundred and thirty-seven of the public laws of eighteen hundred and eighty-nine and acts amendatory thereof, shall after an existence of one year or more, have a membership of less than three hundred, the insurance commissioner may present the facts in relation to the same to any justice of the supreme judicial court; the said justice shall thereupon notify the officers of such corporation of a hearing and unless it shall then appear that some special and good reason exists why the corporation should not be closed, some person shall be appointed receiver of such corporation, and shall proceed at once to take possession of the books, papers, moneys, and other assets of the corporation, and shall forthwith, under the direction of the court, proceed to close the affairs of such corporation and to distribute to those entitled thereto its funds. For this service the receiver may be allowed out of any funds in possession of the corporation or which may come therefrom into his hands, such sum as the court may determine to be reasonable and just. When the affairs of the corporation shall be finally closed, the court may decree a dissolution of the same.

SECT. 2. Hereafter no corporation organized under the provisions of chapter two hundred and thirty-four of the public laws of eighteen hundred and eighty-nine, shall commence to do business or issue any certificate until it has presented to the insurance commissioner and received his certification that it has obtained not less than five hundred bona fide applications for membership.

SECT. 3. The foregoing provisions shall not apply to any corporation which confines its membership to the employes of towns, cities, or of the state, or of a designated firm, business house or corporation. [Approved Mar. 20.]

Chapter 113.

AN ACT to amend chapter three hundred four of the Public Laws of eighteen hundred and ninety-three, relating to the Registration of Voters.

Chapter three hundred four of the public laws of eighteen hundred and ninety-three is hereby amended, by adding thereto the following section:

'SECT. 36. Nothing in this act shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from said ward to any other ward in said city, to appear personally before said board during the revision of the list in order to transfer his name from one ward list to another.' [Approved March 20.]

Chapter 114.

AN ACT to amend section fifty-nine of chapter sixty-four of the Revised Statutes as amended by chapter two hundred and thirty-four of the Public Laws of eighteen hundred and ninety-three, relating to the powers and duties of Executors and Administrators.

Section fifty-nine of chapter sixty-four of the revised statutes as amended by chapter two hundred and thirty-four of the public laws of eighteen hundred and ninety-three, is hereby amended by inserting after the word "for" in the third line the words, 'the purchasing of a suitable burial lot and for,' and by striking out the words in the fourth line "it shall not exceed twenty dollars" and inserting instead the words, 'the sum shall be fixed by the judge of probate,' so that said section as amended, shall read as follows:

'SECT. 59. In the settlement of the accounts of executors and administrators, the judge may allow a reasonable sum for the purchasing of a suitable burial lot and for the erection of monuments or grave stones; but in insolvent estates the sum shall be fixed by the judge of probate. And on petition of any person interested the judge of probate may also allow a reasonable sum for the erection of grave stones, for funeral expenses and expenses of last sickness of the widow of the deceased, provided, she dies before the final settlement of her husband's estate and her estate is insufficient for the above purposes.'

[Approved March 20.]

Chapter 115.]

AN ACT to amend section one of chapter thirty of the Revised Statutes, relating to Mischievous Dogs.

Section one of chapter thirty of the revised statutes is hereby amended by striking out the word "double" in the fifth line so that said section as amended, shall read as follows:

'SECT. 1. Towns may pass by-laws, to regulate the going at large of dogs therein. When a dog does damage to a person or his property, his owner or keeper and also the parent, guardian, master, or mistress of any minor who owns or keeps such dog, forfeits to the person injured, the amount of the damage done, to be recovered by action of trespass.'

[Approved March 20.]

Chapter 116.

AN ACT to provide for the Schooling of Children in Unincorporated Townships.

SECT. 1. Wherever in any unincorporated township in this state there shall be two or more children between the ages of four and twenty-one years, residing within three miles of a school in any adjoining town or plantation, the supervisor of schools in said adjoining town or plantation shall make enumeration of said children, and include the number thereof in the number returned to the state superintendent of common schools, with their place of residence, in accordance with section eighty-eight of chapter eleven of the revised statutes; and thereupon said children shall have the same right in the nearest school in said town or plantation as children resident in said town or plantation.

SECT. 2. The treasurer of state shall pay to the treasurer of the town or plantation where said children have been enumerated, the interest on reserved land fund of said township, but not exceeding three dollars for each scholar so enumerated from said unincorporated township.

SECT. 3. This act shall take effect when approved. [Approved March 20.]

Chapter 117.

AN ACT in relation to School Lands and Funds in towns where the act incorporating them is repealed.

SECT. 1 When the incorporation of a town is repealed, the care and custody of the school lands therein reverts to the state land agent and he has the same powers in relation thereto he would have if such town had never been incorporated.

SECT. 2. When the incorporation of a town is repealed, the school funds thereof shall be collected and transmitted to the state treasurer and by him made a part of the permanent school fund belonging to such township or tract. The state land agent is charged with the duty of enforcing the provisions of this section and is authorized to commence and maintain suits in the name of the state for this purpose.

SECT. 3. This act shall apply to past repeals of act of incorporation.

SECT. 4. This act shall take effect when approved. [Approved March 20.]

Chapter 118.

AN ACT for the protection of the manufacturers of Maple Sugar and Maple Syrup.

SECT 1. No person or persons shall sell or offer for sale, as maple sugar or syrup, any article made in adulteration or imitation of maple sugar or syrup.

SECT. 2. Any person or persons violating the provisions of the preceding section shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars, or imprisonment in the county jail for thirty days, or both, at the discretion of the court.

SECT. 3. One-half the fine to be paid complainant and balance to the county in which said case is brought. [Approved March 20.]

Chapter 119.

AN ACT to amend Chapter two hundred of the Public Laws of eighteen hundred and eighty-nine, concerning Innholders, Boarding House Keepers and their Guests.

SECT. 1. Section one of chapter two hundred of the public laws of eighteen hundred and eighty-nine is hereby amended by inserting after the word "inn" in the first, fourth and sixth lines the words 'hotel or boarding house,' and by inserting after the word "inn" in the tenth line thereof, the word 'hotel,' and by striking out the word "three" in the thirteenth line, and inserting instead thereof the word 'six,' and by striking out the word "fifty" in the fourteenth line, and inserting instead thereof the words 'one hundred,' so that said section, as amended, shall read as follows:

'SECT. 1. Whoever puts up at an inn, hotel or boarding house, and without having an express agreement for credit, procures food, entertainment or accommodation without paying therefor, and with intent to defraud the owner or keeper of the inn, hotel or boarding house out of the pay for the same; or, with intent to cheat or defraud such owner or keeper out of the pay therefor, obtains credit at an inn, hotel or boarding house for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto; or with such intent, removes or causes to be removed any baggage or effects from an inn, hotel or boarding house, while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.'

SECT. 2. Section two of said chapter is hereby amended by inserting after the word "innholders" in the first line thereof, the words 'keepers of hotels and boarding houses,' and by adding after the word "inns" in the third line the words 'hotels and boarding houses,' so that said section, as amended, shall read as follows:

'SECT. 2. Innholders and keepers of hotels and boarding houses shall post up a printed copy of sections one and two of this act, in a conspicuous place in each rooms of their inns, hotels and boarding houses.'

[Approved March 20.]

Chapter 120.

AN ACT relating to Supervisors of Schools.

Section eight of chapter two hundred and sixteen of the public laws of eighteen hundred and ninety-three is hereby amended by striking out after the word "elect" in the eighteenth line, the words "one of its members supervisor," and inserting in place thereof the words 'a superintendent who may or may not be a member of the committee,' also by striking out after the word "direct" in the twenty-eighth line, the words "provided, further, that in case the town so authorize, in lieu of the supervisor herein provided for, a superintendent may be elected who may or may not be a member of the committee," and by striking out in the thirty-second line the words "supervisor or," so that said section, as amended, shall read as follows:

'SECT. 8. The management of the schools and the custody and care of all school property in every town, shall devolve upon a superintending school committee consisting of three, five or seven members in each town, as the town may elect, who shall be chosen by ballot at the annual meeting of the town, and shall hold office for three years; provided, however, that in towns not having such committees when this act becomes a law, the committee then chosen, at their first meeting shall designate by vote a member or members to hold office for one, two and three years respectively, in manner as follows: if consisting of three, one for one year, one for two years, and one for three years; if consisting of five, one for one year, two for two years and two for three years; if consisting of seven, two for one year, two for two years and three for three years, and they shall certify such designation to the town clerk to be by him recorded. Said committee shall have power to fill vacancies occurring during the interim between annual meetings, and shall annually elect a superintendent of schools who may or may not be a member of the committee, who shall be, ex-officio, secretary of the committee, shall make the annual enumeration of scholars required by law, and shall examine the schools and inquire into the regulations and discipline thereof, and the proficiency of the scholars, for which purpose he shall visit each school at least twice each term. He shall make all reports and returns relating to the schools in town, which are now or may be required by law to be made by superintending school committees, and perform such other duties as said committee shall direct. Said committee shall serve without pay, but the superintendent by them elected shall receive for his services such sum as the town shall annually vote therefor, which sum shall in no case be less than two dollars per day for every day of actual service.'

[Approved March 20.]

Chapter 121.

AN ACT to amend section one hundred and twelve of chapter eleven of the Revised Statutes, as amended by chapter thirty-seven of the Public Laws of eighteen hundred and ninety-one; and to repeal section three of chapter eighty-two of Public Laws of eighteen hundred and eighty-seven, as amended by chapter two hundred and seventy-two of the Public Laws of eighteen hundred and ninety-three, relating to Normal Schools and the Madawaska Training School.

SECT. 1. Section one hundred twelve of chapter eleven of the revised statutes, as amended by chapter thirty-seven of the public laws of eighteen hundred and ninety-one, is hereby amended by inserting in the first line thereof, after the word "schools" the words 'and Madawaska Training School,' and by inserting in place of the words "twenty-four" in the same line, the word 'twenty-seven,' so that said section shall read as follows:

'SECT 112. For the support of the three normal schools and the Madawaska Training School twenty-seven thousand dollars is annually appropriated, to be expended under the direction of said trustees, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools. The governor and council may from time to time, as they think proper, draw warrants therefor on said treasurer in favor of said trustees.'

SECT. 2. Section three of chapter eighty-two of the public laws of eighteen hundred and eighty-seven, as amended by chapter two hundred and seventy-two of the public laws of eighteen hundred and ninety-three is hereby repealed.

SECT. 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

[Approved March 20.]

Chapter 122.

AN ACT to authorize appeals from Assessors of Taxes to the Supreme Judicial Court.

SECT. 1. Any person entitled to make a complaint to the county commissioners for an abatement of his taxes may, if he so elect, appeal under the same terms and conditions from the decision of the assessors to the supreme judicial court for the county in which the city or town, in which the property of such person is assessed, is situated.

SECT. 2. Such appeal shall be entered at the term first occurring not less than thirty days after the assessors shall have given to the appellant, notice in writing of their decision upon his application for such abatement, and notice thereon shall be ordered by said court in term time or by any justice thereof in vacation, and said appeal shall be tried, heard and determined by the court without a jury in the manner and with the rights provided by law in other civil cases so heard.

SECT. 3. If upon such trial it appears that the appellant has complied with all provisions of law he may be granted such abatement as said court may deem reasonable, under the same circumstances as an abatement may now be granted by the county commissioners. If no abatement is granted, judgment shall be rendered in favor of the city or town, and for its costs, to be taxed by the court. If an abatement is granted, judgment shall be rendered in favor of the city or town for such amount, if any, as may be due, after deducting the abatement, and the court may make such order relating to the payment of costs as justice shall require. In either case execution shall issue. The lien created by statute on real estate to secure the payment of taxes shall be continued for thirty days after the rendition of judgment, and may be inforced by sale of said real estate on execution, in the same manner as attachable real estate may be sold under the provisions of section forty-two, chapter seventy-six, of the revised statutes, and with the same right of redemption. Claims for abatement on several parcels of real estate may be embraced in one appeal, but judgment shall be rendered, and execution shall issue, for the amount of taxes due on each several parcel. Any non-resident against whom a tax has been assessed shall not be debarred of his right to make application to the assessors for an abatement of his taxes, nor to appeal from their decision according to the provisions of this act, by his failure to bring in a list of his estate to the assessors, but in such case, no costs shall be allowed to the appellant. The final judgment of the court shall be forthwith certified by the clerk to the assessors of the town or city where such tax was assessed, and such assessors shall in all cases carry into full effect the judgment of the appellate court in the same manner as if made by themselves. If it shall be alleged in the application that the applicant has paid the taxes for which he has been assessed, and if the court shall so find, judgment for the amount of the abatement granted shall be rendered against the city or town, and execution therefor, and for such costs as may be awarded, shall issue as in civil actions.

SECT. 4. Such appeal shall be tried at the term to which the notice is returnable, unless delay shall be granted at the request of such city or town for good cause; and said court shall, if requested by such city or town, advance the case upon the docket so that it may be tried and decided with as little delay as possible. Either party may file exceptions as to the decisions and rulings of the court upon matters of law arising upon the trial, in the same manner and with the same effect as is allowed in the supreme judicial court in the trial of cases without a jury.

SECT. 5. The court may in its discretion appoint a commissioner to hear the parties and to report to the court the facts, or the facts with the evidence. Such report shall be prima facie evidence of the facts thereby found. The fees of the commissioner shall be paid in the same manner as those of auditors appointed by the court.

SECT. 6. The assessors shall give to any person applying to them for an abatement of taxes, notice in writing of their decision upon such application within ten days after they take final action thereon.

SECT. 7. This act shall take effect when approved. [Approved March 20.]

Chapter 123.

AN ACT to amend section one of chapter one hundred and forty-four of the Revised Statutes, as amended by chapter ten of the Public Laws of eighteen hundred and ninety-five, relating to State Pensions.

SECT. 1. Section one of chapter one hundred and forty-four of the revised statutes, as amended by chapter ten of the public laws of eighteen hundred and ninety-five, approved February five, eighteen hundred and ninety-five, is hereby repealed.

SECT. 2. Any person who has served by enlistment in the army or navy of the United States in the war of eighteen hundred and sixty-one, on the quota of Maine, and any person not on the quota of Maine, who has served in the army or navy of the United States in said war, and who was a resident of this state at date of enlistment, and at time of making application for pension shall have been a resident of the state at least five years, and who is unable from his own resources and the United States pension, to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state of Maine, not exceeding eight dollars a month, provided he has been honorably discharged from said service. No such pension to be paid by this state to persons residing in other states.

[Approved March 21.]

Chapter 124.

AN ACT to regulate procedure in the taxation of Collateral Inheritance.

Section thirteen of chapter one hundred and forty-six of the public laws for the year one thousand eight hundred and ninety-five is hereby amended by adding thereto the following: 'The judge of probate, having jurisdiction as aforesaid, shall fix the time and place for hearing and determining such questions and shall give public notice thereof and personal notice to the executors, administrators or trustees. Appeals in behalf of the estate shall be taken in the name of the executor, administrator or trustee and service upon the county attorney of the county where the hearing is had shall be sufficient. Where appeals are taken by the state, service shall be made upon the executor, administrator or trustee,' so that said section as amended, shall read as follows:

'SECT. 13. The court of probate, having either principal or ancillary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the county attorney of the county where the hearing is had, shall represent the interests of the state in any such proceedings. The judge of probate, having jurisdiction as aforesaid, shall fix the time and place for hearing and determining such questions and shall give public notice thereof and personal notice to the executor, administrator or trustee. Appeals in behalf of the estate shall be taken in the name of the executor, administrator or trustee and service upon the county attorney of the county where the hearing is had shall be sufficient. Where appeals are taken by the state, service shall be made upon the executor, administrator or trustee.'

[Approved March 21.]

Chapter 125.

AN ACT to amend section twenty-one of chapter thirty of the Revised Statutes, as amended by chapter three hundred and twenty-two of the Public Laws of eighteen hundred and eighty-five, as amended by chapter ninety-two of the Public Laws of eighteen hundred and eighty-seven, as amended by chapter two hundred and forty-eight of the Public Laws of eighteen hundred and eighty-nine, as amended by chapter two hundred and ninety-eight of the Public Laws of eighteen hundred and ninety-three, relating to close time on Partridges.

Section twenty-one of chapter thirty of the revised statutes, as amended by chapter three hundred and twenty-two of the public laws of eighteen hundred and eighty-five, as amended by chapter ninety-two of the public laws of eighteen hundred and eighty-seven, as amended by chapter two hundred and forty-eight of the public laws of eighteen hundred and eighty-nine, as amended by chapter two hundred and ninety-eight of the public laws of eighteen hundred and ninety-three, is hereby amended by inserting after the word "partridge" in the fifth line, the words 'between the first days of December and September twentieth,' so that said section as amended, shall read as follows:

'SECT. 21. Whoever kills or has in his possession, except alive, or exposes for sale, any wood duck, dusky duck, commonly called black duck, teal or grey duck, between the first days of May and September, or kills, sells or has in his possession, except alive, any ruffed grouse, commonly called partridge between the first days of December and September twentieth, or woodcock, between the first days of December and September following; or kills, sells or has in his possession, except alive, any [illegible] between the first day of [illegible] and the first day of October following, or pinnated grouse, commonly called prairie chicken, between the first days of January and September, or [illegible] between the first days of May and August, forfeits not less than five nor more than ten dollars, for each bird so killed, had in possession or exposed for sale. And no person shall at any one time, kill, expose for sale, or have in his possession, except alive, more than [illegible] of each variety of birds above named, during the respective open seasons, nor shall such person at any time kill, expose for sale, or have in possession, except alive, any of the above named varieties of birds except for consumption within the state, under a penalty of five dollars for each bird so unlawfully killed, exposed for sale or in possession. [illegible] from place to place in open season any of the above mentioned birds unless open to view, tagged and plainly labelled with the owner's name and accompanied by him, under the same penalty; any person, not the actual owner of said birds, [illegible] shall be liable to the same penalty [illegible] nor shall any person or corporation carry or transport at any time, more than [illegible] of any one variety of birds above named as property of one man under the same penalty. Nothing in this section shall prevent any market man or provision dealer having an established place of business in this state, from [illegible] in his place of business, any of said birds lawfully caught, killed or destroyed, or any part thereof, and selling the same in open season at retail to his local customers.'

[Approved March 21.]

Chapter 126.

AN ACT relating to the adoption of members into the Penobscot tribe of Indians.

SECT. 1. A tribal committee of the Penobscot tribe of Indians shall be chosen annually in the month of November, to consist of twelve male members of said tribe, none of whom shall be less than twenty-one years of age. [illegible] members thereof shall be chosen by the old party, [illegible] by the new party, so called, at separate meetings holden as hereinafter provided.

SECT. 2. Meetings of each of said parties for the election of members of said committee shall be called by the agent of said tribe, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is now required to be given. [illegible] who shall receive, sort, count and declare in open meeting the vote given in for members of said committee. The tribal agent shall issue certificates of election to the persons thus elected, who shall hold office as such members until [illegible] is sooner terminated by resignation of [illegible] members of said tribe. Whenever any vacancy occurs in said committee, the agent shall call a meeting of the party entitled to fill the same, and said party shall fill such vacancy.

SECT. 3. Said tribal committee shall meet at [illegible] superintending school committee [illegible] of the [illegible] on the first Wednesday of January annually, at the time and place appointed by the school committee [illegible] meeting [illegible] of members of said committee [illegible] shall preside, and fifteen of said committee shall constitute a quorum thereof.

SECT. 4. Said tribal committee at any regular meeting may, by three-fourths vote of its total membership, adopt into said tribe any person who is in whole or in part of Indian blood, and who has had his or her residence for at least one year next preceding such adoption upon any reservation of said tribe and the decision of said committee as to such residence and Indian descent shall be conclusive. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe, but the power of adoption into the tribe shall in all cases rest with the aforesaid tribal committee.

SECT. 5. Whenever said tribal committee shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting at which such vote is passed, and the secretary of said tribe; and said adopted person shall thereafter be deemed and considered a member of said tribe for all intents and purposes, and shall be enrolled as such by the agent.

SECT. 6. All male persons adopted as above provided, shall, within one month after their adoption, or if infants, within one month after becoming twenty-one years of age, take an oath before the agent of said tribe that they will demean themselves as becomes [illegible] and will faithfully fulfill the duties incumbent upon such members.

SECT. 7. The first election of members of said tribal committee shall be held in the month of November, in the year of our Lord one thousand eight hundred and ninety-five.

[Approved March 21.]

Chapter 127.

AN ACT to define the Duties of the Commissioner and Wardens of Sea and Shore Fisheries.

SECT. 1. It shall be the duty of the commissioner of sea and shore fisheries to exercise supervision over all the fisheries and products taken from the tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen, shell or other fish.

SECT. 2. The commissioner is hereby required to make a detailed biennial report in the month of December showing the amount of capital invested, number of men employed, value of products, and any other information that he may be able to obtain relating to the sea and shore fisheries.

SECT. 3. The salary of the commissioner of sea and shore fisheries is hereby fixed at one thousand dollars per annum.

SECT. 4. It shall be the duty of the fish wardens to enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but they shall not exercise jurisdiction in any other county unless so instructed in writing by the commissioner of sea and shore fisheries. The commissioner of sea and shore fisheries, and fish wardens may with or without warrant enter upon any vessel, boat, receptacle for fish, or any place or places used therefor and seize and carry away all fish liable to seizure found therein, and may with or with-out warrant search any car or pound used for the keeping of fish and seize and carry away all fish liable to seizure found therein, the fish in each case, to be disposed of according to law.

SECT. 5. It shall be the duty of each warden to make a detailed monthly report to the commissioner of sea and shore fisheries of all that has come to his knowledge relating to the fisheries within his county, or in any county where he has rendered service from the first day of the month to the first day of the following month in such a manner and on such blanks as the commissioner may prescribe and furnish, and to do such other acts as the commissioner may require for the purpose of gaining information and the proper enforcement of the fishery law.

SECT. 6. The compensation of the wardens shall be two dollars per day and expenses when actually employed.

[Approved March 21.]

Chapter 128.

AN ACT to fix the salary of the Judge of Probate for York County.

SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and ninety-five, the salary of the judge of probate for the county of York shall be [illegible] thousand dollars per year instead of the sum now fixed by law.

SECT. 2. This act shall take effect when approved. [Approved March 21.]

Chapter 129.

AN ACT relating to actions for torts or injuries suffered on the Lord's day.

SECT. 1. The provisions of chapter one hundred twenty-four of the revised statutes relating to the observance of the Lord's day, shall not affect in any way the rights or remedy of any party in any action for tort or injury suffered on that day.

SECT. 2. This act shall not apply to, or affect any action now pending nor any action hereafter brought for any cause which shall have arisen at the date of the approval of this act. [Approved March 21.]

Chapter 130.

AN ACT to amend chapter two hundred and fifty-eight of the Public Laws of eighteen hundred and ninety-three, relating to the taxation of Savings Banks.

SECT. 1. Section one of chapter two hundred and fifty-eight of the public laws of eighteen hundred and ninety-three, is hereby amended by striking out in the eighteenth line the words "second Mondays," and inserting the words 'first Saturdays,' so that said section as amended, shall read as follows:

'SECT. 1. Every savings bank, institution for savings and trust and loan association incorporated under the laws of the state, shall, semi-annually, on the last Saturdays of April and October, make a return, signed and sworn to by its treasurer, of the average amount of its deposits, reserve fund and undivided profits for the six months preceding each of said days, together with a statement in detail of its assets, loans and investments and its deposits within and without the state, in separate columns with aggregates so arranged as to clearly show whether the purchase or acquisition of each item in such detailed statement was prior or subsequent to January first, eighteen hundred and ninety-three. All assets, loans or investments made, purchased or acquired from the proceeds of assets, loans or investments held on said January first and thereafter renewed, sold or paid shall be reported in said statement as acquired subsequent to said January first. Said return shall be made to the bank examiner on or before the first Saturdays of May and November and within thirty days thereafter, he shall fix and determine the market values of the investments aforesaid and transmit the same with such values so determined, to the state assessors for the assessment required by section two.'

SECT. 2. Section two of said chapter two hundred and fifty-eight is hereby amended by striking out in the twenty-sixth line the words "first Monday in May" and inserting the words 'fifteenth day of June,' also by striking out in the twenty-seventh line the words "fourth Monday in November" and inserting the words 'fifteenth day of December,' so that said section, as amended, shall read as follows:

'SECT. 2. The state assessors shall thereupon ascertain the values of the several franchises of the said banks, institutions and associations according to the following rule; from the average amount of deposits, reserve fund and undivided profits so returned by each bank, institution or association there shall in each case be deducted an amount equal to the amount of United States bonds, the shares of corporation stocks such as are by law of this state free from taxation to the stockholders, and the assessed value of real estate owned by the bank, institution or association, and also an amount equal to one-seventh of such other assets, loans and investments as by said detailed statement appear to have been acquired prior to January first, eighteen hundred and ninety-three, and also an amount equal to two-sevenths of such other assets, loans and investments as by said statement appear to be loans to persons or corporations located and doing business in this state, investments in mortgages on real estate in Maine and New Hampshire, securities of this state, public or private, bonds issued or guaranteed by corporations located and doing business in this state, severally made, purchased or acquired since said January first, and also an amount equal to two-sevenths of the cash on hand and cash deposited within the state. Upon the value of said franchises so ascertained the state assessors shall assess an annual tax of seven-eighths of one per cent, one-half of said tax to be assessed on or before the fifteenth day of June, and one-half on or before the fifteenth day of December. The state assessors shall thereupon certify said assessments to the treasurer of state, who shall forthwith notify the several banks, institutions and associations interested.'

SECT. 3. Section three of said chapter two hundred and fifty-eight is hereby amended by striking out in the second line the words, "first Mondays in June and December," and inserting the words 'fifteenth days of June and December,' so that said section, as amended, shall read as follows:

'SECT. 3. All taxes so assessed shall be paid semi-annually within ten days after the fifteenth days of June and December. One-half of the sum so paid shall be appropriated for schools, in the manner provided for tax on banks of circulation in section one hundred and seventeen of chapter eleven of the revised statutes, and one-half to the state.'

[Approved March 21.]

Chapter 131.

AN ACT to amend section ninety of chapter six of the Revised Statutes, relating to the Assessment of County Taxes.

Section ninety of chapter six of the revised statutes, is hereby amended by adding after the word "valuation" in the third line, the following: 'they may add such sum above the sum so authorized, not exceeding two per cent of said sum, as a fractional division renders convenient, and certify that fact in the record of said apportionment'; so that said section as amended, shall read as follows:

'SECT. 90. When a county tax is authorized, the county commissioners shall in March, in the year for which such tax is granted, apportion it upon the towns and other places according to the last state valuation; they may add such sum above the sum so authorized, not exceeding two per cent of said sum, as a fractional division renders convenient, and certify that fact in the record of said apportionment, and issue their warrant to the assessors requiring them forthwith to assess the sum apportioned to their town or place, and to commit their assessment to the constable or collector for collection.' [Approved March 21.]

Chapter 132.

AN ACT in relation to state taxes on Wild Lands where the soil and the growth thereon are owned by different persons.

SECT. 1. When the soil of townships or tracts taxed by the state as wild land, is not owned by the person or persons who own the growth or part of the growth thereon, the state assessors shall value the soil and such growth separately for purpose of taxation.

SECT. 2. This act shall take effect when approved. [Approved March 21.]

Chapter 133.

AN ACT to amend section twelve of chapter eighty-seven of the Revised Satutes, relative to limitation of actions against Executors and Administrators.

SECT. 1. Section twelve of chapter eighty-seven of the revised statutes is hereby amended by striking out in line fifteen the words "or within six months following," so that said section as amended, shall read as follows:

'SECT. 12. Actions against executors or administrators, on claims against the estate, except as provided in sections thirteen and fifteen shall, if brought after the time limited in the preceeding section, be continued at the cost of the plaintiff until the next term of court, and for such further time and on such other terms as the court may order, unless, at least thirty days before commencement of suit, and within two years after notice given by him of his appointment, such claim was presented in writing and payment demanded, or was filed in the probate office, supported by affidavit of the claimant, or of some other person cognizant thereof, as provided in section sixty-two of chapter sixty-four and such notice given as the court orders thereon; a tender of payment or offer thereof filed in the case during the time of such continuance, shall bar the same, and the defendant shall recover his costs; and no action shall be maintained on such claim, unless commenced during said two years, except as provided in the following sections. Executors or administrators residing out of the state at the time of giving notice of their appointment, shall appoint an agent or attorney in the state, and insert therein his name and address. Executors or administrators removing from the state, after giving notice of their appointment, shall appoint an agent or attorney in the state, and give public notice thereof; demand or service made on such agents or attorneys has the same effect as if made on such executor or administrator. When an executor or administrator, residing out of the state, has no agent or attorney in the state, demand or service may be made on one of his sureties, with the same effect as if made on him.'

SECT. 2. This act shall not apply to any pending action nor to any cause of action against estates in which administration has already been granted. [Approved March 21]

Chapter 134.

AN ACT to amend chapter two hundred four of the Public Laws of eighteen hundred and fifty-six, in relation to the jurisdiction of the Municipal Court of the city of Portland.

SECT. 1. Section two of chapter two hundred four of the public laws of eighteen hundred and fifty-six, as amended by chapter twenty-eight of the public laws of eighteen hundred and eighty-seven, is hereby amended by striking out said section and inserting the following:

'SECT. 2. Said court shall have exclusive jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or the defendent, or a person summoned in good faith as trustee, reside in the city of Portland, and of all cases of forcible entry and detainer, where the property demanded is in said city; and of all criminal offenses and misdemeanors committed in said city as are cognizable by municipal or police courts or trial justices, or are within the additional jurisdiction and authority conferred upon this court. In actions against two or more defendents or trustees, residing in different counties, where one defendent or trustee, resides in this county, concurrent jurisdiction with other trial justices or municipal or police courts, in the county where either of the defendants reside, as is provided in section sixteen, chapter eighty-one, and section five of chapter eighty-six of the revised statutes of this state, and concurrent with other trial justices or municipal or police courts in the county of Cumberland, over all matters and things, civil and criminal within their jurisdiction, where exclusive jurisdiction is not otherwise conferred by law; and concurrent jurisdiction with the superior court in the county of Cumberland, in all personal actions including actions of replevin when a defendant or person summoned in good faith as trustee, resides in the county of Cumberland, where the debt, damages or goods demanded, exclusive of costs, exceed twenty dollars and do not exceed fifty dollars. This jurisdiction shall not include actions in which the title to real estate according to pleadings filed by either party, is in question, excepting as is provided in chapter ninety-four of the revised statutes, sections six and seven, and excepting as is provided in chapter eighty-three of the revised statutes, section four. All the provisions of the statutes of this state relative to the attachment of real estate and personal property and the levying of executions, shall be applicable to actions in this court, and executions on judgments rendered therein. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as in the superior court of this county.'

SECT. 2. Section three of said chapter two hundred and four is hereby amended, by striking out said section three and inserting the following section:

'SECT. 3. The judge or recorder shall not act as counsel or attorney in any case, cause, matter or thing which depends upon or relates to any cause cognizable by said court.'

SECT. 3. Section four of said chapter two hundred and four, as amended by chapter one hundred and sixty-three, public laws of eighteen hundred and eighty-three, and chapter twenty-eight, public laws of eighteen hundred and eighty-seven, and chapter one hundred and fifty-eight, public laws of eighteen hundred and eighty-nine, is hereby amended, by striking out the word "thirty" in the third line and inserting the word 'fifty,' so that said section as amended, shall read as follows:

'SECT. 4. The said court may take cognizance of simple larcenies, where the property alleged to be stolen shall not exceed in value fifty dollars, and of offenses described in sections six, seven and nine of chapter one hundred and twenty of the revised statutes, and in sections one and four of chapter one hundred and twenty-six of the revised statutes, where the value of the property does not exceed fifty dollars; of offenses described in section four of chapter one hundred and thirty-two of the revised statutes, where they are not of a high and aggravated nature, and on conviction, may punish by fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding six months; and all violations of the tramp law, and of offenses described in section four of chapter one hundred and forty one of the revised statutes, and on conviction, may punish by imprisonment in the county or city house of correction, not exceeding six months; and have exclusive jurisdiction of all offenses against the by-laws of the city; and in prosecution on such by-laws, they need not be recited in the complaint, nor in allegations therein be more particular than in prosecutions on a public statute.'

SECT. 4. Section sixteen of said chapter two hundred and four is hereby amended by striking out said section, and inserting the following section:

'SECT. 16. When the judge is occasionally absent from the room or office in which the court is held, the recorder shall have the power to hear complaints in all criminal matters, draw complaints and issue warrants for the apprehension of persons charged with any criminal offense or breach of the peace; to hear accusations in bastardy and issue warrants thereon, and all warrants so issued by the recorder shall have the same authority as if issued by the judge. Said recorder shall make, sign and issue all mittimuses, or other processes of commitment from said court, but said mittimuses or processes of commitment shall be equally valid if signed by the judge.'

SECT. 5. In all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be the same as in the superior court, except that the defendant if he prevails, shall be allowed two dollars for his pleadings.

[Approved March 22.]

Chapter 135.

AN ACT to amend Chapter one hundred and thirty-four, of the Public Acts of eighteen hundred and thirty-four entitled "An Act to establish a Municipal Court in the city of Bath" as amended by chapter one hundred and sixty-seven of the Public Acts of eighteen hundred and thirty-five, as amended by section eleven of the city charter of the city of Bath.

SECT. 1. Chapter one hundred and thirty-four of the public acts of eighteen hundred and thirty-four entitled "An Act to establish a municipal court in the town of Bath," and as amended by chapter one hundred and sixty-seven of the public acts of eighteen hundred and thirty-five, and as amended by section eleven of the city charter of the city of Bath, is hereby further amended, so that the same when amended, shall read as follows:

'SECT. 1. A municipal court is hereby established in and for the city of Bath and the towns of Woolwich, Arrowsic, Georgetown, Phippsburg and West Bath in the county of Sagadahoc, which shall be called the Bath Municipal Court and have and use a seal on all original processes, and shall consist of one judge who shall be appointed, commissioned and qualified as provided by the law and constitution of the state. Said judge shall be a member of the bar of Sagadahoc county and shall reside during his continuance in office in the city of Bath, and who shall receive from said city an annual salary of eight hundred dollars per year to be paid him in quarterly payments. Said salary shall be in full for all the fees and emoluments of the office. The present judge shall continue in office until the end of the term for which he was appointed. The said judge shall enter, or cause to be entered on the docket of said court all civil and criminal actions, with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection; and he shall perform all other duties required of similar tribunals in this state.'

'SECT. 2. Said court shall exercise jurisdiction over all such matters and things, civil and criminal within the county of Sagadahoc as trial justices may exercise and under similar restrictions and limitations, and concurrent jurisdiction with trial justices in cases of forcible entry and detainer in said county and exclusive jurisdiction in all such matters and things when both parties interested, or any plaintiff and a person summoned as trustee resides in the city of Bath or either of the towns named in section one of this act, and over all offenses committed against the ordinances and by-laws of said city, though the penalty thereof may accrue to said city and towns and in the prosecution on any such ordinances or by-laws or any special law of the state relating to said city or to either of said towns, such by-law, ordinance or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute, and over all such criminal offenses within the limits of the same as are cognizable by trial justices, and no trial justice or justice of the peace shall take cognizance over any crime or misdemeanor committed in said city, or in either of said towns, or any civil action over which said court has exclusive jurisdiction; and concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded exclusive of costs is over twenty dollars and not over one hundred dollars, and in all actions of replevin under chapter ninety-six of revised statutes, when it appears that the sum demanded for the penalty, forfeiture or damages, or the value of the goods replevined, does not exceed one hundred dollars, and any defendant or any person summoned as trustee reside in the county of Sagadahoc, but this jurisdiction shall not include proceedings under the divorce laws, nor jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question except as provided in chapter ninety-four, sections six and seven of the revised statutes.'

'SECT. 3. Said court shall have concurrent jurisdiction with the supreme judicial court in the county of Sagadahoc, of all offenses not required by the constitution or any statute to be answered for on a presentment or indictment of a grand jury, and may punish by fine not exceeding one hundred dollars or by imprisonment for a term less than one year, and of all other offenses over which such jurisdiction is or may be granted not herein specified.

'SECT. 4. If any defendant in any action in said court where the amount claimed in the writ exceeds twenty dollars or his agent or attorney shall on the return day of the writ, file in said court his pleadings and a motion asking that said cause be removed to the supreme judicial court, and deposit with the judge the sum of two dollars for copies and entry and entry fee in said supreme court, to be taxed in his costs, if he prevails the said action shall be removed into the supreme judicial court for said county. The judge shall forthwith cause certified copies of the writ, officers' return and defendants' motion to be filed in the clerk's office of said supreme court within ten days, and shall pay the entry fee thereof, and said action shall be entered on the docket of the following term, unless said court shall then be in session, when it shall be entered forthwith and shall be in order for trial at that term. If no such motions and pleadings are filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleadings in such cases shall be the same as in the supreme judicial court.

'SECT. 5. In any action in which the plaintiff recovers not over twenty dollars debt or damage, the costs to be taxed shall be the same as before trial justices except that the plaintiff shall have two dollars for his writ; where the defendant prevails in any action in which the sum claimed in the writ is not over twenty dollars or property the value of which does not exceed that sum, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by plaintiff exclusive of costs, exceeds twenty dollars or property the value of which exceeds that sum, or the amount claimed exceeds twenty dollars, where the defendant prevails the costs of parties, trustees and witnesses shall be same as in the supreme court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term.

'SECT. 6. Any person aggrieved at any judgment or sentence of said court may appeal to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice, and all such appeals shall be in order for trial at the first term of said appellate court after such appeal is taken. Final judgments where the amount in controversy exceeds twenty dollars in said municipal court, may be examined in the supreme judicial court on a writ of error or on a petition for review, and when the judgment is reversed, the supreme judicial court shall render such judgment as said municipal court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

'SECT. 7. All the provisions of the statutes of the state relative to the attachment of real and personal property and the levy of executions shall be applicable to actions in this court, and executions on judgments rendered therein, where the amount recovered exceeds twenty dollars, provided, that property may be attached, equal in value to ad damnum.

'SECT. 8. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as in the supreme judicial court, and to make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice, and to facilitate its business.

'SECT. 9. Price of blank writs with the summonses, with the seal of the court, signed by the judge or recorder shall be four cents, and all other fees in civil cases shall be the same as are taxable by a trial justice except as otherwise provided in sections four and five of this act. All writs and processes in civil matters shall be in the name of the state, bear the teste of said judge under the seal of said court and signed by the judge, be served in time and manner as now provided by law in case of writs issued by trial justices, and be obeyed and executed throughout the state.

'SECT. 10. Said court may adjourn from time to time and shall be held at such place as shall be provided by the city of Bath, and shall be considered in constant session for the trial of criminal offenses; and said court shall be in session each Monday at ten o'clock in the forenoon for the entry of civil actions and the entering up of judgments in all defaulted actions and for the trial of actions of forcible entry and detainer, and on the first and third Mondays of each month for the trial and determination of all other civil processes. Every defendant and every person summoned as trustee shall have twenty-four hours in which to enter his appearance.

'SECT. 11. It shall be the duty of the city of Bath to provide a suitable court room, conveniently situated and appropriately furnished, in which to hold said court, and keep the same in proper condition for use, and also to provide for said court an appropriate seal, and all blanks, blank books, dockets, stationery and other things necessary in the transaction of its business, and said city shall have authority to raise money for that purpose and for the payment of the salary of the judge.

'SECT. 12. The records of said court and of the municipal court as formerly existing in said city shall be deposited with and kept by the judge, and said municipal court shall have jurisdiction thereof and full power and authority to issue and renew executions and other processes and carry into effect the judgments and decrees heretofore rendered by said former municipal court, and to certify and authenticate the records thereof, and shall for reasonable fees grant and certify copies of the records of both courts when required, which shall be evidence of the contents of such records in any legal proceedings, and have the same legal and probative force and effect as those of the supreme judicial court.

'SECT. 13. All fines and penalties awarded and collected by said court in criminal cases shall be accounted for and paid over monthly; and all fees in both civil and criminal cases received by said court shall be paid monthly into the city treasury for the use of said city.

'SECT. 14. All acts and parts of acts inconsistent with this act are hereby repealed.'

[Approved March 25.]

Chapter 136.

AN ACT to compel Husbands and Fathers to contribute to the support of Wives and Children.

Whenever a man, having a wife, a minor child, or both, residing in this state, and from whom he lives apart, and being of sufficient ability, or being able to labor and provide for them, willfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the supreme judicial court in the county where the wife or children reside, on petition of the wife for herself, and for such children, or of such children by their guardian, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife, if the separation was without her fault, and to the support of such children, such sums payable weekly, monthly or quarterly, as is deemed reasonable and just, and may enforce obedience by appropriate decrees.

[Approved March 25.]

Chapter 137.

AN ACT relating to chapter seventy of the Public Laws of eighteen hundred and ninety-five, concerning sales of land for non-payment of Taxes.

SECT. 1. The provisions of chapter seventy of the public laws of eighteen hundred and ninety-five, relating to sales of land for non-payment of taxes, approved March six, eighteen hundred and ninety-five, shall apply to all taxes assessed on or after April one, eighteen hundred and ninety-five.

SECT. 2. This act shall take effect when approved.

[Approved March 25.]

Chapter 138.

AN ACT to authorize the appointment of Commissioners for the Promotion of Uniformity of Legislation in the United States.

SECT. 1. Within thirty days after the passage of this act, the governor shall appoint, by and with the consent of the council, three commissioners, who are hereby constituted a board of commissioners by the name and style of Commissioners for the Promotion of Uniformity of Legislation in the United States. It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, the acknowledgment of deeds, execution and probate of wills, and other subjects; to ascertain the best means to affect an assimilation and uniformity in the laws of the states, and especially to consider whether it would be wise and practicable to join with the other states of the union in sending representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several states, and if so, to act as such representatives from this state and to devise and recommend such other course of action as shall best accomplish the purpose of this act.

SECT. 2. No member of said board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office. In case any of the persons so appointed as above will not undertake the office of this commission, or in case of a vacancy on said board, such vacancy shall be filled by the governor.

SECT. 3. This act shall take effect when approved. [Approved Mar. 25.]

Chapter 139.

AN ACT amendatory of and additional to chapter one hundred and twenty-three of the Public Laws of eighteen hundred and eighty-seven, relating to the Public Health.

SECT. 1. Section fifteen of chapter one hundred and twenty-three of the public laws of eighteen hundred and eighty-seven is hereby amended by striking out the words "attending physician," and sections eleven, fourteen and nineteen of said chapter by striking out the words "or attending physician."

SECT. 2. Cases of cerebro-spinal meningitis, of measles, of so called membranous croup, of whooping cough, and of pulmonary tuberculosis, or consumption as it is commonly termed, shall be reported promptly to the local board of health of the town in which cases of this disease occur; and it shall be the duty of any householder who knows or has reason to believe that any person in his family or household has any of these diseases, and it shall be the duty of any physician who knows or has reason to believe that any person whom he attends or is called to visit, is affected with any of these diseases, to report the same to the local board of health.

SECT. 3. It shall be the duty of each local board of health to notify the state board of health of cases within its jurisdiction, of typhoid fever and of the diseases named in section two of this act, and such notifications shall be in accordance with the requirements of the blanks furnished by the said state board.

SECT. 4. The provisions of this act shall be enforced, and violations hereof shall be punished as is provided by section twenty-six of chapter one hundred twenty-three of the public laws of eighteen hundred eighty-seven, and by section two of chapter two hundred twenty-seven of the public laws of eighteen hundred eighty-nine.

[Approved March 25.]

Chapter 140.

AN ACT to amend section eleven of chapter two hundred and seventeen of the Public Laws of eighteen hundred and ninety-three, relating to Justices of the Supreme Judicial Court.

Section eleven of chapter two hundred and seventeen of the public laws of eighteen hundred and ninety-three, is hereby amended by striking out the word "or" in the third line of said section and after the word "rulings" in the third line by inserting the words 'and findings,' so that said section as amended, shall read as follows:

'SECT. 11. No justice of the supreme judicial court shall sit in the law court upon the hearing of any cause tried before him, in which any of his rulings and findings are the subject of review, nor take any part in the decision thereof.' [Approved March 25.]

Chapter 141.

AN ACT to amend clause twenty-six of section six of chapter one of the Revised Statutes, relating to Corporations.

Clause twenty-six of section six of chapter one of the revised statutes, as amended by chapter two hundred and twenty-six of the public laws of eighteen hundred and ninety-three, is hereby amended by adding thereto the words: 'The organization of any corporation which may be hereafter organized under any general law of this state becomes null and void within three years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization,' so that said clause of said section as amended, shall read as follows:

'XXVI. Acts of incorporation shall be regarded in legal proceedings as public acts, and be in force from the date of their approval. All acts of incorporation granted since January one, eighteen hundred and ninety-three, become null and void in two years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters. The organization of any corporation which may be hereafter organized under any general law of this state, becomes null and void within three years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization.' [Approved March 25.]

Chapter 142.

AN ACT to amend section one hundred eight, chapter forty-seven Revised Statutes, relating to withdrawal of deposits from Savings Banks.

SECT. 1. That section one hundred eight, chapter forty-seven, revised statutes, be amended by striking out the entire section, and inserting in place thereof the following:

'SECT. 108. No savings bank shall be required to pay any depositor more than fifty dollars at any one time or in any one month until after ninety days notice.'

SECT. 2. This act shall take effect when approved. [Approved Mar. 25.]

Chapter 143.

AN ACT to amend section three of chapter two hundred and ninety-seven of the Public Laws of eighteen hundred and eighty-five, relating to the sale of Unwholesome Food.

SECT. 1. Section three of chapter two hundred and ninety-seven of the public laws of eighteen hundred and eighty-five, is hereby amended, by inserting in the third line after the word "sell" the words 'or takes orders for the future delivery of,' and in the fourth line after the words "imitation of" the word 'yellow,' and striking out the words "or as a substitute for butter or cheese" in the fourth and fifth lines, and by inserting after the word "costs" in the eleventh line the words 'one third to go to the complainant and the balance to the state,' so that the whole section as amended, shall read as follows:

'SECT. 3. Whoever by himself or his agent manufactures, sells, exposes for sale or has in his possession with intent to sell, or takes orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said article, substance or compound be named oleomargarine, butterine or otherwise named, forfeits for the first offense one hundred dollars and for the second and each subsequent offense, two hundred dollars, to be recovered by indictment with costs, one third part to go to the complainant and the balance to the state. And it shall be the duty of every inspector of milk, sheriff, deputy sheriff and constable, as named in section five of this chapter to institute complaint against any person or persons violating the above named provisions of said third section.'

SECT. 2. The provisions of this act shall not be construed to affect any pending indictment for violation of section three of chapter two hundred and ninety-seven of the public laws of eighteen hundred and eighty-five.

[Approved March 26.]

Chapter 144.

AN ACT relating to Health and Boards of Health.

SECT. 1. The owner or other person having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, who, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food, shall be liable, on conviction, to a fine of not less than five dollars nor more than fifty dollars.

SECT. 2. Whenever a local board of health or its executive officer has notice of, or suspects the existence of, a case of tuberculosis or of glanders in domestic animals, such board or officer shall forthwith investigate or cause to be investigated the truth of such notification or the grounds for such suspicion; and if there appear to be good grounds for believing that such disease is present, the local board of health or its executive officer shall notify the state cattle commissioners, reciting in said notification the grounds for their belief or suspicion. And it shall be the duty of the owner or other person having charge of any animal which he knows or suspects to be affected with tuberculosis or glanders, to notify the local board of health at once.

[Approved Mar. 26.]

Chapter 145.

AN ACT to amend chapter two hundred and ninety-two of the Public Laws of eighteen hundred eighty-nine, entitled "An Act for the regulation of the Lobster Fisheries."

SECT. 1. Section two of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine is hereby amended by striking out after the word "purposes," in the second line of said section the words "between the first day of July and the first day of the following May," so that said section as amended, shall read as follows:

'SECT. 2. It is unlawful to catch, buy or sell, or expose for sale, or possess for any purposes any lobster less than ten and one-half inches in length, alive or dead, cooked or uncooked, measured in manner as follows: taking the length of the back of the lobster, measured from the bone of the nose to the end of the bone of the middle flipper of the tail, the length to be taken with the lobster extended on the back its natural length, and any lobster shorter than the prescribed length when caught, shall be liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, exposed for sale, or in possession not so liberated.'

SECT. 2. Section three of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine is hereby repealed.

SECT. 3. Section four of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine as amended by chapter seventy-six of the public laws of eighteen hundred and ninety-one is hereby amended by striking out all of said section before the word "it" in the fourth line of said section, and inserting the words 'ten and one-half' in the place of the word "nine" in the fifth line thereof, so that said section as amended, shall read as follows:

'SECT. 4. It shall be unlawful to can, preserve or pickle lobsters less than ten and one-half inches in length, alive or dead, measured as aforesaid; and for every lobster canned, preserved or pickled contrary to the provisions of this section, every person, firm, association or corporation so canning, preserving or pickling shall be liable to a penalty of five dollars for every lobster so canned, preserved or pickled, and a further penalty of three hundred dollars for every day on which such unlawful canning, preserving or pickling is carried on.'

SECT. 4. This act shall not take effect until July first, eighteen hundred and ninety-five.

[Approved March 26.]

Chapter 146.

AN ACT to amend section twenty-three of chapter fifty-two of the Revised Statutes, relating to certificates of Inspection of Steamboats and Inspectors' Fees for Pilots, as amended by chapter three hundred and nine of the Public Laws of eighteen hundred and eighty-five.

Section twenty-three of chapter fifty-two of the revised statutes as amended by chapter three hundred and nine of the public laws of eighteen hundred and eighty-five, is hereby amended by striking out all that part of said amended section between the words "vessels of" in the eleventh line and "provided" in the seventeenth line, and inserting in place thereof the words 'five tons of measurement or less, no fees, either for inspection or for licenses shall be required or paid,' so that said section as amended, shall read as follows:

'SECT. 23. The inspectors shall each receive from the state, the sum of four dollars per day for the time they are actually employed under this act, and shall also be paid their actual traveling expenses incurred in performing the duties imposed upon them by this act. The owners of each vessel inspected and certified under this act, shall pay to the inspectors the sum of five dollars, and each person licensed under this act, shall pay to the inspectors the sum of two dollars for each original license, and two dollars for each renewal of the same; provided, that in the case of vessels of five tons of measurement or less, no fees, either for inspection or for licenses, shall be required or paid; provided, also, that in cases where the master is also pilot of the vessel he shall not be required to hold two licenses, but may act in either or both capacities under one license, such license stating on its face that he is authorized to do so. The inspectors shall account for all such sums to the governor and council, and pay the same into the state treasury. The accounts of the inspectors for compensation and expenses under this act, shall be audited by the governor and council.'

[Approved March 26.]

Chapter 147.

AN ACT establishing the salary of the County Attorney for the County of Androscoggin.

SECT. 1. The county attorney for the county of Androscoggin shall receive an annual salary from the treasurer of state, of eight hundred dollars payable quarterly on the first days of January, April, July and October, in each year, beginning on the first day of April eighteen hundred and ninety-five, instead of the salary now provided by law.

SECT. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

[Approved March 26.]

Chapter 148.

AN ACT to amend sections forty-one and forty-three of chapter forty of the Revised Statutes, relating to Fisheries.

SECT. 1. Section forty-one of chapter forty of the revised statutes is hereby amended by inserting after the words "Augusta dam" the following: 'nor any salmon above Ferry Point bridge on the Saint Croix river in Calais,' so that said section, as amended, shall read as follows:

'SECT. 41. No salmon, shad or other migratory fish shall be taken or fished for within five hundred yards of any fishway, dam or mill race; nor in the Penobscot river between the mouth of the Kenduskeag stream and the water works dam at Treat's falls on said river; nor between the Augusta highway bridge over the Kennebec river and the Augusta dam; nor any salmon above Ferry Point bridge on the Saint Croix river in Calais, between the first days of April and November, except by the ordinary mode of angling with single hook and line or artificial flies, nor shall hook and line or artificial flies be used at any time within one hundred yards of any fishway, dam or mill race; but this section shall not apply to the taking of alewives by the town of Warren in the Georges river, and by the town of Waldoboro in Medomak river, under the authority granted said towns by the private and special laws of Massachusetts, passed March six, eighteen hundred and two, and amendments thereto, passed by the legislature of this state; nor shall it apply to the taking of alewives by the town of Woolwich in Nequasset stream; provided, that fly fishing shall be allowed up to the bridge across the Denny's river at Lincoln's mill, but not between said bridge and Lincoln's mill dam; and provided, also that fishing with an artificial fly or single baited hook and line shall be allowed up to within fifty feet of the dam across the Aroostook river in the town of Caribou. The penalty for violation of this section is a fine of not more than fifty nor less than ten dollars for each offense and a further fine of ten dollars for each salmon and one dollar for each shad so taken.'

SECT. 2. Section forty-three of chapter forty of the revised statutes is hereby amended by striking out the words "or to the Saint Croix river below the breakwater at the ledge," so that said section, as amended, shall read as follows:

'SECT. 43. Between the first day of April and the fifteenth day of July, there shall be a weekly close time of forty-eight hours, from sunrise on each Saturday morning to sunrise on the following Monday morning during which no salmon, shad, alewives or bass shall be taken. During the weekly close time all seines, nets and other movable apparatus shall be removed from the water. Each weir shall have, in that part where the fish are usually taken, an opening three feet wide extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore, and there remain during the weekly close time; to the intent that during said close time, the fish may have a free and unobstructed passage through said weir or other structure, and no contrivance which tends to hinder such fish, shall be placed in any part thereof. If the enclosure where the fish are taken, is furnished with a board floor, an opening extending from the floor to the top of the weir is equivalent to one extending from the bottom to the top. The penalty for the violation of this section is twenty dollars for each offense. This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the Aroostook river and its tributaries.'

SECT. 3. The above section does not apply to the Penobscot and Belfast bays.

[Approved Mar. 26.]

Chapter 149.

AN ACT to prohibit the taking or killing certain Game Birds for a term of years.

SECT. 1. It shall be unlawful for a term of five years to hunt for, take, catch, kill or destroy any of the following named birds under a penalty of fifty dollars for the offense, and twenty-five dollars for each bird so taken, caught, killed or destroyed. The capercailzie, or cork of the woods, so called, black game, so called, or any species of the pheasant, except the partridge, so called.

SECT. 2. All fines and penalties under this act, shall be enforced in the same manner, as for the violation of laws relating to the illegal killing of game.

[Approved March 25.]

Chapter 150.

AN ACT to fix the salary of the County Attorney of the County of Waldo.

On and after the first day of January, in the year of our Lord one thousand eight hundred and ninety-five, the salary of the county attorney of Waldo county shall be five hundred dollars per annum, instead of the sum now established by law. [Approved March 26.]

Chapter 151.

AN ACT to secure the preservation of the Maine Reports, the Acts and Resolves, and other publications printed or purchased by the state for distribution to towns and various public officers.

SECT. 1. That all Maine reports, statutes, digests, acts and resolves, and other publications, printed or purchased by the state, and hereafter distributed according to law or custom, to the several towns and plantations within the state, shall be and remain the property of the state, and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof, and for no other purpose.

SECT. 2. All such books and publications as may hereafter be furnished by the state, to any state, county or town officer, shall be and remain the property of the state, and shall be held in trust by said officer, for the sole use of his said office; and at the expiration of his term of office, or on his removal therefrom by death, resignation or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications so furnished by the state and shall take a receipt therefor.

SECT. 3. All Maine reports, revised statutes, public laws and digests distributed by the state librarian to the several towns and public officers in said state, shall be plainly marked upon the cover and upon the title page with the following words: 'The property of the State of Maine, not to be sold,' and shall have a registered number conforming to the list to be made by the state librarian. Any town not retaining said volumes, shall not make any requisition upon the state librarian for their replacement, and shall forfeit all claims to be supplied with any further state publications.

SECT. 4. All acts or parts of acts, all resolves or parts of resolves, inconsistent herewith, are hereby repealed.

[Approved March 26.]

Chapter 152.

AN ACT in relation to State Examination and Certification of Teachers.

SECT. 1. The state superintendent of schools shall cause to be held, at such convenient times and places as he may from time to time designate, public examinations of candidates for the position of teacher in the public schools of the state. Such examinations shall test the professional as well as the scholastic abilities of the candidates, and shall be conducted by such persons and in such manner as he may from time to time designate. Due notice of the time, place and other conditions of the examinations shall be given in such public manner as he may determine.

SECT. 2. A certificate of qualification shall be given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfill the proper requirements. Such certificate shall be either probationary or permanent, and shall indicate the grade of schools for which the person named is qualified to teach.

SECT. 3. A list of approved candidates shall be kept in the office of the state superintendent, and copies of the same with such information as may be desired shall be sent to school committees, supervisors and superintendents upon their request.

SECT. 4. The certificates issued under the provisions of this act shall be accepted by school committees, supervisors and superintendents in lieu of the personal examination required by section eighty-seven, chapter eleven of the revised statutes and all amendments thereto.

SECT. 5. A sum not exceeding five hundred dollars may be annually expended for the necessary and contingent expenses of carrying out the provisions of this act.

SECT. 6. This act shall take effect when approved. [Approved March 26.]

Chapter 153.

AN ACT to amend section twenty-seven of chapter nine of the Revised Statutes, relating to the elections of the Penobscot Tribe of Indians.

Section twenty-seven of chapter nine of the revised statutes is hereby amended by striking out the word "October" in the first line of said section, and insert instead thereof the word 'November,' so that said section as amended, shall read as follows:

'SECT. 25. On the first Tuesday of November, eighteen hundred and eighty-four, and biennially thereafter, the Penobscot tribe of Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative to the legislature of this state. The agent of said tribe shall give notice of the time and place, seven days before said day of election by posting notices thereof, one at his office and one in some conspicuous place on Oldtown island. Said agent shall receive, sort and count the votes given in at said election in presence of the members of the tribe, and shall give to those elected, certificates thereof.' [Approved March 26.]

Chapter 154.

AN ACT amendatory of and additional to chapter one hundred and eighteen of the Public Laws of eighteen hundred and ninety-one, entitled "An Act to provide for the Registration of Vital Statistics."

SECT. 1. Chapter one hundred and eighteen of the public laws of eighteen hundred and ninety-one is hereby amended as follows: Section four is amended by inserting after the word "city" in the twelfth line, the words 'where said person died,' so that said section as amended, shall read as follows:

'SECT. 4. Whenever any person shall die, or any still born child shall be brought forth in this state, the undertaker, town clerk or other person superintending the burial of said deceased person, shall obtain from the physician attending such bringing forth or last sickness, a certificate, duly signed, setting forth as far as may be, the facts required in the record of a death, according to section one of this act; and it shall be the duty of the undertaker, or other person having charge of the burial of said deceased person, to add to said certificate the date and place of the proposed burial; and having duly signed the same, to forward it to the clerk of the town or city where said person died and obtain a permit for burial; and in case of any contagious or infectious disease, said certificate shall be made and forwarded immediately.'

SECT. 2. Section five is amended by inserting after the word "death" in the sixth line, the words 'or from any other source,' so that said section when amended, shall read as follows:

'SECT. 5. In case of any deceased person not having had the attendance of a physician in his or her last sickness, the town clerk may issue and sign the certificate of death, upon presentation of such facts as may be obtained of relatives, persons in attendance upon said deceased person during said last sickness or present at the time of death, or from any other source, and the permit for burial shall be issued upon such information. Said certificate and permit shall not be required before burial in cases where it is impracticable to obtain the same within a reasonable time after death, but in all such cases said certificate shall be obtained as soon as practicable after death.'

SECT. 3. Section seven is amended by inserting after the word "city" in the fifth line the words 'where said person died;' and also by inserting after the word "town" in the twelfth line the words 'from whom said permit was obtained,' so that said section when amended, shall read as follows:

'SECT. 7. Except as provided in section five, no interment or disinterment of the dead body of any human being, or disposition thereof in any tomb, vault or cemetery, shall be made without a permit as aforesaid, from the clerk of the town or city where said person died, nor otherwise than in accordance with such permit. No undertaker or other person shall assist in, assent to, or allow any such interment or disinterment to be made, except as provided in section five, until such permit has been given as aforesaid; and it shall be the duty of every undertaker or other person having charge of any burial place as aforesaid, who shall receive such permit, to preserve and return the same to the clerk of the town from whom said permit was obtained within six days after the day of burial.'

SECT. 4. Section thirteen of said chapter is amended so that said section as amended, shall read as follows:

'SECT. 13. The state registrar shall cause the returns made to him in pursuance of the preceding sections eleven and twelve to be arranged alphabetically for convenient reference, and carefully preserved in his office. He shall annually make and publish a general abstract and report of the returns of the preceding year in such form as will render them of practical utility, not more than two thousand five hundred copies of which shall be printed and bound in cloth, one copy of which shall be forwarded to every town, one copy to each senator and representative, one copy to each state and territory in the union, and the remainder to such departments, libraries and persons as the state registrar shall direct.'

SECT. 5. Section sixteen of said chapter is amended so that said section as amended, shall read as follows:

'SECT. 16. If any person shall willfully neglect or refuse to perform any duty imposed upon him by the provisions of this act, it shall be a misdemeanor, and he shall be fined not more than one hundred dollars for each offense, for the use of the town in which the offense occurred, and it shall be the duty of the state registrar to enforce this section as far as comes within his power, and when the state registrar knows, or has good reason to believe, that any penalty or forfeiture under this act has been incurred, he shall at his discretion forwith give notice thereof, in writing, to the county attorney of the county in which said penalty or forfeiture has occurred, which notice shall state as near as may be, the time of such neglect, the name of the person or persons incurring the penalty or forfeiture, and such other facts relating to the default of duty as said state registrar may have been able to learn, and upon receipt of such notice the county attorney shall prosecute the defaulting person or persons.'

SECT. 6. Section seventeen of said chapter is amended so that said section as amended, shall read as follows:

'SECT. 17. The clerk of each city or town shall be paid by such city or town for receiving, recording and returning the facts required to be recorded by this act, the sum of fifteen cents for each birth, marriage and death, and for each birth or death duly reported to the town clerk, physicians shall receive twenty-five cents from the town in which the birth or death has occurred. It shall be the duty of the town clerk to enforce, so far as comes within his power, sections three, four, six, seven and ten, of chapter one hundred and eighteen, laws of eighteen hundred and ninety-one, and when he knows of any birth, marriage or death, which is not reported to his office in accordance with the provisions of said chapter, he shall collect, so far as he is able to do so, the facts called for in the blank certificates of birth, of marriage, or of death, as furnished by the state registrar, and shall record them as is prescribed in said chapter one hundred and eighteen; and for every birth, marriage or death thus collected and recorded he shall receive from the town the sum of twenty-five cents.'

SECT. 7. Said chapter is further amended by adding thereto the following sections:

'SECT. 19. A physician who has attended a person during his last illness shall, when requested, forthwith furnish for registration a certificate stating, to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, and the date of his death; and a physician or midwife who has attended at the birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate, stating to the best of his knowledge and belief, the fact that such child died after birth or was born dead. It shall be a misdemeanor for any person to make a false return in regard to any birth or death.

'SECT. 20. When a birth, marriage or death occurs in an unincorporated place, it shall be reported to the town clerk in the town which is nearest to the place at which the birth, marriage or death took place, and shall be recorded by the town clerk to whom the report is made; and all such reports and records shall be made and recorded and returned to the state registrar as is provided in chapter one hundred and eighteen, laws of eighteen hundred and ninety-one.

'SECT. 21. The clerk of each town shall, on the first Monday of each month, make a certified copy of the record of all deaths and births recorded in the books of said town during the previous month, whenever the deceased person, or the parents of the child born were resident in any other town in this state at the time of said death or birth, or whenever they were recently resident in any other town, or whenever the remains of any deceased person have been carried to any other town for burial; and shall transmit said certified copies to the clerk of the town in which said deceased person or parents were resident at or near the time of said birth or death, or to which the remains of such deceased person have been carried for burial, stating in addition the name of the street and the number of the house, if any, where such deceased person or parents so resided, whenever the same can be ascertained; and the clerk so receiving such certified copies shall record the same in the books kept for recording deaths or births.

Such certified copies shall be made upon blanks to be furnished for that purpose by the registrar of vital statistics.

'SECT. 22. No body of a deceased person whose death was caused by cholera, yellow fever, diptheria, scarlet fever, typhus fever, typhoid fever, small pox or other pestilential disease, shall be removed from place to place in this state by any railroad, steamboat or other common carrier, unless there shall be attached to the outer case in which said body is inclosed, a certificate from the board of health where such person died, stating the disease causing such death, and that necessary precautions against infection satisfactory to said board have been observed. It is further provided, that a certificate of death giving heart failure as the only cause of death shall not be deemed sufficient upon which to issue a burial permit, and such certificate must be returned to the physician who made it for the proper correction and definition. If the body of a deceased person is brought into this state from without for burial, and if it is accompanied by a permit issued by the legally constituted authorities of the state from which it was brought, such permit shall be received as sufficient authority upon which the clerk of the town in which said body is to be buried shall issue a permit for burial; but if it is not accompanied by such permit, then the person or persons in charge of it shall apply for a burial permit to the clerk of the town in which it is to be buried, and the clerk of the town shall issue such permit when furnished with satisfactory information.'

'SECT. 23. The provisions of this act shall be enforced, and violation hereof shall be punished, as provided by section sixteen of chapter one hundred and eighteen of the public laws of eighteen hundred and ninety-one, unless otherwise provided for by law.'

SECT. 24. All acts and parts of acts inconsistent with this act, are hereby repealed.

[Approved March 26.]

Chapter 155.

AN ACT to amend clause two, section eighty-seven of chapter eleven of the Revised Statutes, relating to Examination of Teachers.

Clause two, section eighty-seven of chapter eleven of the revised statutes as amended by chapter thirty-two of the public laws of eighteen hundred and ninety-one, is hereby amended by inserting after the word "arithmetic" in the fourth line, the words 'civil government,' and after the word "physiology" in the fifth line the words 'with special reference to the effects of alcholic drinks, stimulants, and narcotics upon the human system;' so that said section as amended, shall read as follows: II. 'On satisfactory evidence that a candidate possesses a good moral character and a temper and disposition suitable to be an instructor of youth, they shall examine him in reading, spelling, English grammar, geography, history, arithmetic, civil government, book-keeping and physiology with special reference to the effects of alcholic drinks, stimulants and narcotics upon the human system; and the elements of the natural sciences, especially as applied to agriculture, and such other branches as they desire to introduce into public schools, and particularly into the school for which he is examined; also as to his capacity for the government thereof.'

[Approved March 26.]

Chapter 156.

AN ACT to amend section six of chapter thirty-five of the Revised Statutes, relating to Intelligence Offices.

Section six of chapter thirty-five of the revised statutes of this state is hereby amended by adding thereto the following words: 'The keeper of an intelligence office shall not retain any sum of money in excess of one dollar from a person seeking employment through the agency of such intelligence office, unless employment of the kind sought for is actually furnished. The keeper of a licensed intelligence office shall cause two copies of this act printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purposes of such intelligence office. Whoever violates the provisions of this act shall have the license revoked, and shall be punished by fine not exceeding twenty dollars for each offense,' so that said section as amended, shall read as follows:

'SECT. 6. The municipal officers of any town may, on payment of one dollar each, grant licenses to suitable persons for one year, unless sooner revoked after notice and for cause, to keep offices for the purpose of obtaining employment for domestics, servants or other laborers, except seamen, or of giving information relating thereto, or of doing the usual business of intelligence offices; whoever keeps such an office, without a license, forfeits not exceeding fifty dollars for every day that it is so kept. The keeper of an intelligence office shall not retain any sum of money received from a person seeking employment through the agency of such intelligence office, unless employment of the kind sought for is actually furnished. The keeper of a licensed intelligence office shall cause two copies of this act, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purposes of such intelligence office. Whoever violates the provisions of this act shall have the license revoked, and shall be punished by fine not exceeding twenty dollars for each offense.'

[Approved March 26.]

Chapter 157.

AN ACT to amend section one of chapter seventy-five of the Revised Statutes, relating to Title by Descent, and to establish the rights of Widows and Widowers in the real estate of deceased Husbands and Wives.

SECT. 1. Section one of chapter seventy-five of the revised statutes is hereby amended, so as to read as follows:

'SECT. 1. The real estate of a person deceased intestate, being subject to the payment of debts, including a wood lot or other land used with the farm or dwelling-house although not cleared, but excepting wild lands of which he dies seized, and wild lands conveyed by him, though afterwards cleared, descends according to the following rules:

'I. If he leaves a widow and issue, one-third to the widow. If no issue, one-half to the widow. And if no kindred, the whole to the widow. And to the widower shall descend the same shares in his wife's real estate. There shall likewise descend to the widow or widower the same share in all such real estate of which the deceased was seized during coverture, and which has not been barred or released as herein provided.

II. The remainder of which he dies seized, and if no widower or widow, the whole, together with all wild lands, shall descend in equal shares to his children, and to the lawful issue of a deceased child by right of representation. If no child is living at the time of his death, to all his lineal descendants; equally, if all are of the same degree of kindred; if not, according to the right of representation.

III. If no such issue, it descends to his father and mother in equal shares.

IV. If no such issue or father, it descends one-half to his mother. If no such issue or mother, it descends one-half to his father. In either case, the remainder descends in equal shares to his brothers and sisters, and when a brother or sister has died, to his or her children or grandchildren by right of representation.

V. If no such issue, father, brother or sister, it descends to his mother. If no such issue, mother, brother or sister, it descends to his father. In either case, to the exclusion of the issue of deceased brothers and sisters.

VI. If no such issue, father, mother, brother or sister, it descends to his next of kin in equal degree; when they claim through different ancestors, to those claiming through a nearer ancestor, in preference to those claiming though an ancestor more remote.

VII. When a minor dies unmarried, leaving property inherited from either of his parents, it descends to the other children of the same parent, and the issue of those deceased; in equal shares if all are of the same degree of kindred; otherwise, according to the right of representation.

VIII. If the intestate leaves no widower, widow or kindred, it escheats to the state.'

SECT. 2. Except as hereinafter provided, the right of widows to dower in the real estate of their deceased husbands, and the right of widowers as tenant by the courtesy in the real estate of their deceased wives are hereby abolished Section fourteen of chapter one hundred and three of the revised statutes is hereby repealed. But the passage of this act, and the repeal of such laws as may be repealed thereby, shall not be held to affect, modify, enlarge or limit the rights and interests which any widower or widow now has in the estate of a wife or husband already deceased, nor any of the remedies by which the same may be enforced. Nor shall a widower have any interest in the real estate of his wife heretofore conveyed by her during coverture.

SECT. 3. A husband or wife of any age, may bar the right and interest by descent, provided for in this act in an estate conveyed by the other, by joining in the same, or a subsequent deed, or with the guardian of the other; or by sole deed; but shall not be deprived of such right and interest by levy or sale of the real estate on execution; but may, after the right of redemption has expired, release such right and interest by sole deed.

SECT. 4. Such right and interest by descent may be barred by jointure, pecuniary provisions, or an antenuptial settlement, in the same manner, and to the same extent, and with the same effect that dower may be thus barred in accordance with the provisions of sections seven, eight and nine of chapter one hundred and three of the revised statutes.

SECT. 5. When a specific provision is made in a will, for the widow or widower of a testator or testatrix, such legatee or devisee shall within six months after probate thereof or within such further time, and under such circumstances, as is allowed by chapter eighty-eight of the public laws of eighteen hundred and eighty-seven, and not afterwards, make election and file notice thereof in probate court whether to accept it or claim the right and interest by descent, herein provided; but is not entitled to both, unless it appear by the will that the testator or testatrix plainly so intended.

SECT. 6. All releases of dower in any manner heretofore or hereafter made, in estates conveyed or mortgaged by husbands, shall be deemed to be releases of such right and interest by descent, and shall have the same effect.

SECT. 7. If the wife has heretofore released her right of dower in a mortgage made by her husband, or if her husband is seized of land mortgaged by another person, or by himself before their marriage, she shall be entitled to her right and interest by descent, as herein provided, in the mortgaged premises, as against every person except the mortgagee and those claiming under him. And if the heirs of the husband, or other person claiming under him, redeem the mortgage, she shall repay such proportion of the money paid by him as her interest in the mortgaged premises bears to the whole value; else she shall be entitled to her right and interest by descent only according to the value of the estate, after deducting the money paid for its redemption.

SECT. 8. If the wife of the grantor or mortgagor of lands heretofore conveyed or mortgaged has not released or barred her right of dower in the same, she shall be entitled, as against the grantee or mortgagee and those claiming under him, to her right of dower only, as now existing. The wife of one, heretofore decreed to be insolvent under the provisions of chapter seventy of the revised statutes, shall be entitled, as against the assignee, and those claiming under him, to her right of dower only, as aforesaid.

SECT. 9. The passage of this act shall not affect any jointure or antenuptial settlement or pecuniary provision heretofore made.

SECT. 10. If the owner of real estate contracts to sell the same, and the husband or wife of the owner refuses to release his or her interest and right by descent, the owner may apply to a justice of the supreme judicial or superior court, who, after such notice to the other party as he may order, and hearing, may, in his discretion, approve the sale and price, and order the owner to pay to the clerk of court, for such husband or wife of the owner, such sum as would amount to one-third of the price approved, if the owner has issue, and one-half if he has no issue, at the expiration of the owner's expectancy of life, computed at three per cent, compound interest. The clerk shall give a certificate of such approval by the court, and of the fact that said money has been paid as aforesaid, to be filed with the register of deeds in the county or registry district where the land lies, with the owner's deed thereof, and such register shall record the same; and thereafter such interest or right by descent in such real estate, shall be barred. Said clerk shall receive fifty cents for making, and said register twenty-five cents for recording such certificate.

SECT. 11. Section nine of chapter sixty of the revised statutes is hereby amended, so as to read as follows:

'SECT. 9. When a divorce is decreed for impotence, the wife's real estate shall be restored to her, and the court may enter judgment for her against her husband for so much of her personal property as came to him by the marriage, or its value in money, as it thinks reasonable; and may compel him to disclose, on oath, what personal estate he so received, how it has been disposed of, and what then remains. When a divorce is decreed to the wife for the fault of the husband for any other cause, she shall be entitled to one-third, in common and undivided of all his real estate, except wild land, which shall descend to her as if he were dead; and the same right to a restoration of her real and personal estate, as in case of divorce for impotence. The court may also decree to her reasonable alimony out of his estate, having regard to his ability; and to effect the purposes aforesaid, may order so much of his real estate, or the rents and profits thereof, as is necessary, to be assigned and set out to her for life; or instead of alimony, may decree a specific sum to be paid by him to her; and use all necessary legal processes to carry its decrees into effect.'

SECT. 12. Section six of chapter sixty-one of the revised statutes is hereby amended, so as to read as follows;

'SECT. 6. When a married woman dies intestate, her property, real and personal, desends as provided in chapter seventy-five of the revised statutes as amended by this act; and administration and distribution may take place accordingly; but a husband and wife, by a marriage settlement executed in presence of two witnesses before marriage, may determine what rights each shall have in the other's estate during the marriage, and after its dissolution by death, and may bar each other of all rights in their respective estates not so secured to them.

SECT. 13. This act shall take effect May one, eighteen hundred and ninety-five, except as to such persons as are then married, and as to all such persons, it shall take effect January one, eighteen hundred and ninety-seven.

[Approved March 28.]

Chapter 158.

AN ACT in relation to State Binding.

SECT. 1. There shall be chosen biennially, by joint ballot of the legislature on the same day that other state officers are elected, a public binder who shall hold his office for two years and until some other person is elected in his stead. He shall give a bond, with sufficient sureties in the sum of five thousand dollars, to perform and execute in a prompt, proper, substantial, faithful and workmanlike manner all the folding, stitching, ruling and binding for every department of the state government, for which the state is held to pay, except the revised statutes and reports of decisions of the supreme judicial court.

SECT. 2. And all his bills shall be audited in the usual way by the committee of the council on accounts for approval. And for the faithful discharge of his duties he shall receive compensation as follows:

I. Pamphlets of four pages, to be folded only, at eight cents per hundred copies. Pamphlets of eight pages, to be folded only, at twelve cents per hundred copies.

II. Pamphlets of eight pages, to be folded, stitched and trimmed, at fifteen cents per hundred copies. Pamphlets of twelve pages, to be folded, stitched and trimmed, at twenty-two and one-half cents per hundred copies; and for each eight pages or fraction thereof additional, eight cents per hundred copies of said pamphlet.

III. Books of eight pages, to be bound in paper covers and trimmed, at forty-five cents per hundred copies. Books of twelve pages, to be bound in paper covers and trimmed, at sixty-seven and one-half cents per hundred copies; and for each eight pages or fraction thereof additional, eighteen cents per hundred copies of said book.

IV. Plates to be set at nine cents per hundred copies.

V. Acts and resolves to be bound in quarter cloth, twelve cents per copy.

VI. Reports of secretary of Maine board, of agriculture, and abstracts containing plates not exceeding two hundred pages, to be bound in full cloth, at twenty-two and one-half cents per copy, and one cent for each additional fifty pages or fraction thereof. Reports of secretary of Maine board of agriculture, and abstracts containing plates, bound in cloth backs and stiff covers, and all such work not otherwise specified, fifteen cents per copy. Ruling and binding blanks and blank books required by the state officers, similar to work done heretofore.

VII. Returns of railroad companies to commissioners, to be ruled at ten cents and bound at ten cents per copy; provided, not less than one hundred copies are ordered.

VIII. Returns of insurance companies to commissioner, to be ruled, at eleven cents per book, for the first one hundred copies, and six cents for each additional copy; said books to be bound at one dollar and sixty-two cents per hundred copies, and eighty-one cents for each additional hundred copies or fraction thereof.

IX. Blanks for committee on warrants of executive council to be ruled at seventy-nine cents for the first hundred copies, and thirty-one and a half cents for each additional hundred copies or fraction thereof.

X. Blanks for pay roll of executive council, to be ruled at thirty-five cents for the first one hundred copies, and five cents for each additional hundred copies or fraction thereof.

XI. Blanks for application for continuation of pensions, to be ruled at same rate as class ten.

XII. Blanks for statements of facts of applicants for pensions, to be ruled, at same rates as class ten.

XIII. Blanks for school returns, to be ruled, at same rates as class ten.

XIV. Blanks for certificates of executive council, to be ruled, at same rates as class ten.

XV. Blanks for vacant lots for land office, to be ruled, at fifty cents for the first hundred copies, and twenty-five cents for each additional hundred copies or fraction thereof.

XVI. Blanks for lots under contract to settlers, to be ruled, the same as class fifteen.

XVII. Blanks for pension pay roll and warrant, to be ruled, at same rates as class fifteen.

XVIII. Blanks for discharges and deaths, to be ruled, at same rates as class fifteen.

XIX. Blanks for returns of companies, to be ruled, at one dollar and sixty-nine cents for the first one hundred copies, and seventy-three cents for each additional hundred copies or fraction thereof.

XX. Blanks for morning reports, to be ruled, at two dollars and two and one-half cents for the first hundred copies, and one dollar and one cent for each additional hundred copies, or fractions thereof.

XXI. Supplying paper, ruling same and binding into dockets and alphabets for the house committees and departments as heretofore done; half quire books, cap size, at thirty-four cents each; one quire books, cap size, at fifty one cents each; two quire books, cap size, at sixty-seven and one-half cents each; three quire books, cap size, at one dollar and twenty-one and one-half cents each; half quire books, letter size, at thirty-one and one-half cents each; one quire books, letter size, at forty-five cents each; two quire books, letter size, at fifty-eight and one-half cents each; indexes or alphabets made in any book of class twenty-one, at thirteen and one-half cents each.

Other work of too miscellaneous a character to be classified, to be done at prices not to exceed in any case those paid for similar work during the years eighteen hundred and ninety-three and eighteen hundred and ninety-four; which charges shall be subject to a review by the committee of the council on accounts.

SECT. 3. All work, excepting such as the state printers are obliged to deliver into the hands of the state binder, to be taken from and returned to the state house, by the said binder, without expense to the state, and the said binder shall perform all the folding, stitching, ruling and binding, authorized by or pertaining to the legislature, including all the reports of all the state and legislative officers and commissioners for the years for which he is elected, and the said binder shall complete all work on which any commencement by him shall have been made and for which the state is held to pay.

SECT. 4. This act shall take effect January one, in the year of our Lord one thousand eight hundred and ninety-seven, and the first election of state binder shall occur on the same day of said January that other state officers are elected. [Approved March 26.]

Chapter 159.

AN ACT in relation to State Printing.

SECT. 1. There shall be chosen biennially, by joint ballot of the legislature, on the same day that other state officers are elected, a public printer who shall hold his office for two years and until some other person is elected in his stead. He shall give bond, with sufficient sureties, in the sum of fifteen thousand dollars, for the faithful discharge of his duties, and shall execute or furnish every kind of printing for every department of the state government for which the state shall be held to pay, excepting the printing of the revised statutes and the reports of decisions.

SECT. 2. For the faithful discharge of his duties he shall receive compensation as follows;

For book and pamphlet work: For plain composition and for laws and statutes, for one thousand ems, forty-two cents; rule and figure work, for one thousand ems, ninety cents: any other irregular work at the discretion of the auditor: Press work: For form of sixteen pages or less, five hundred impressions, or less, ninety cents; for each additional hundred impressions, eighteen cents. For eight page forms or less, law size, five hundred impressions, or less, ninety cents; for each additional hundred impressions, eighteen cents.

Blank and circular work, covers, envelopes, letter heads, bill heads, cards, ballots, et cetera: For plain composition, for one thousand ems, forty-eight cents; blank work, with rules adjusted into body lines, price and one-half; rule and figure and tabular work, double price; any other irregular work at the discretion of the auditor. No blank job to be reckoned less than one thousand ems. Press work: For form of five hundred impressions, or less, seventy-five cents; each additional hundred impressions, fifteen cents. For press work requiring colored or copying ink, or other than black, double price shall be charged. For any work not hereinbefore specified, the printer shall receive such compensation as shall be judged reasonable by the auditor.

Hour work: Copy furnished to the printers shall be legibly written and properly prepared. For correcting proof by reason of alteration in the author's copy, thirty cents per hour shall be charged. Work imperatively demanded, and required to be performed at night or out of the usual hours of labor, shall be compensated by extra allowance, at the discretion of the auditor.

Paper and other stock: For paper and other stock, an addition of fifteen per cent upon the actual cost, to be determined by the auditor, to cover interest, freight, storage, insurance and waste. All printing shall be executed in a prompt, proper, substantial, faithful and workmanlike manner.

SECT. 3. The state printer shall be entitled to complete all the reports of all state and legislative officers and commissioners for the political years for which he was elected, and shall finish all work on which any beginning shall have been made.

SECT. 4. The state officers and heads of departments shall give the state printer, upon delivery of any completed job of printing, a receipt therefor, which shall be attached to the sample of the job submitted to the auditor, and which shall be the printer's voucher for the completion and delivery of the work. Printed sheets of book work shall be delivered promptly into the hands of the public binder, and after such delivery the responsibility of the printer for such printed sheets shall cease.

SECT. 5. There shall be appointed by the governor and council, to serve during their pleasure, an auditor of the state printing, who shall be an experienced practical printer. All bills for state printing shall be audited by him, for which he shall receive such compensation as the governor and council may deem just.

SECT. 6. This act shall take effect January first, in the year of our Lord one thousand eight hundred and ninety-seven, and the first election of state printer shall occur on the same day of said January that other state officers are elected. Approved March 26.]

Chapter 160.

AN ACT to regulate the purchase and sale of Intoxicating Liquors by Cities and Towns.

SECT. 1. Section fifteen of chapter twenty-seven of the revised statutes, as amended by chapter one hundred and forty of the public laws of eighteen hundred and eighty-seven, is hereby further amended, so as to read as follows:

'SECT. 15. The governor with the advice and consent of the council, shall appoint a commissioner to furnish municipal officers of towns and cities in this state, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner shall reside in this state and shall have his place of business in this state, at such place as shall be approved by the governor and council, and shall hold his office for the term of four years, unless sooner removed by the governor with the advice and consent of the council, and until another is appointed in his stead, and shall be paid an annual salary of fifteen hundred dollars, payable quarterly out of the state treasury. He shall be allowed reasonable expenses of office, and present his account, under oath, with vouchers therefor to the governor and council, annually in December, to the last day of the preceding month, who shall audit the same and direct payment from the state treasury. He shall also be entitled to interest on the average capital actually invested by him in his stock of liquors, to be determined by the governor and council.'

SECT. 2. The commissioner shall keep in stock, at all times at his said place of business in this state, a sufficient stock of liquors to supply the demands of all duly authorized town and city agencies of this state for not exceeding two months, and all such agencies shall be supplied from said stock so kept at his said place of business in this state, and from no other source and in no other manner. If the governor and council are of opinion that said commissioner is carrying a larger amount of stock than is necessary to comply with the provisions of this act, they may direct him to discontinue purchases until said stock is reduced to such an amount as they may order. All alcohol, whiskey, brandy, rum and gin hereafter purchased by such commissioner, otherwise than in bottles, as hereinafter provided, shall be analyzed at the commissioner's place of business in this state by a competent assayer, appointed by the governor and council. But the governor and council may authorize the purchase, by the commissioner, of any or said kinds of liquors, in bottles, if deemed expedient, and in such case may cause the same to be inspected and tested in such manner as they may determine. All other intoxicating liquors purchased by the commissioner shall be inspected, tested or analyzed, by a competent assayer, at said place of business, in such manner as the governor and council may direct. All intoxicating liquors shall be purchased subject to such analysis, test or inspection, to be reshipped to the seller at the seller's expense, if found to be impure. The commissioner shall not sell such liquors, nor deliver them to the authorized agencies of cities and towns, unless so analyzed, tested or inspected as aforesaid, at the place of business of said commissioner and found to be pure. The compensation of such assayers shall be fixed by the governor and council, and with their reasonable expenses, shall be paid out of the state treasury.

SECT. 3. On the back of each invoice of liquors sold as aforesaid, to towns and cities, shall be written or printed a copy of the assayer's analysis, or certificate of inspection, certified to by said commissioner, and it shall be the duty of the agents of such cities and towns to preserve such invoices and certificates for public inspection, for one year after receiving the same. Each invoice shall state both the price actually paid by the commissioner for the liquors, and the price at which they are sold to the city or town.

SECT. 4. The commissioner is prohibited from borrowing money of any party or parties of whom he may purchase liquors. He shall not sell to municipal officers of this state any intoxicating liquors, except such as have been inspected or tested and found to be pure, in the manner aforesaid, under a penalty of not less than one hundred or more than five hundred dollars, to be recovered by indictment. He shall take of such officers for such pure, unadulterated liquors and for all malt liquors sold to them, ten per cent above the cost thereof at the place where they were by him purchased, and pay the same over to the state treasurer on or before the first day of January, annually.

SECT. 5. The commissioner shall, on or before the last day of each month, report to the governor and council the names of the towns to which liquors have been sold, of the persons buying for said towns, the kind and quantity sold to each, and the price paid for the same. He shall also, at the same time, make report to the governor and council of all liquors purchased by him, enumerating the different kinds and the quantity of each kind, price paid and the terms of payment, also the names of parties of whom the liquors were purchased, and their place of business and date of purchase.

SECT. 6. The commissioner shall before entering upon the duties of his office, give a bond to the treasurer of state, in the penal sum of not less than ten thousand dollars, for the benefit of the state as well as for the benefit of such towns as may be injured by a breach of the conditions, and for the faithful performance of his duties and compliance with such regulations and conditions as the governor and council prescribe. In case of his resignation, removal from office or death, and the appointment of a successor, the stock of liquors remaining on hand at the time of his resignation, removal or death, shall be taken at cost by the new commissioner, after the same shall have been analyzed or tested by an assayer, to be appointed by the governor and council, and found to be pure; and he shall, before entering upon his office, pay for the same in cash, or settle therefor to the satisfaction of his predecessor or his legal representatives.

SECT. 7. Hereafter whenever any town or city agency shall have been abolished, the commissioner shall receive back all such liquors purchased of the liquor commissioner as they may have remaining on hand, after the same shall have been analyzed or tested, and found to be pure and unadulterated, under such conditions and regulations as the governor and council may prescribe.

SECT. 8. The commissioner shall keep a sample of all spirituous liquors analyzed, labeling the same, and marking them by number or otherwise, to conform with the assayer's certificate, and shall keep such samples during his term of office. The governor and council may cause the commissioner's stock to be inspected at any time by a competent assayer. A committee of the executive council shall visit the commissioner's place of business as often as once every six months, and make a careful and complete examination of the records of the office, including all the bills of purchases and accounts of sales. The governor and council shall correct any and all abuses, if any exist; and refusal on the part of said commissioner to comply with their order or directions relative thereto, shall be good and sufficient cause for immediate removal from office.

SECT. 9. The governor and council are hereby directed to cause an inspection of the stock in each town or city agency, at least once in each year in towns, and twice in each year in cities, and for that purpose they are hereby authorized to employ competent assayers, and empower them to enter at such times as they may be directed by the governor and council, and without notice, any city or town agency in this state, to test the purity of all of the intoxicating liquors kept therein. And the governor and council may also authorize such examination on complaint of the municipal officers in a town and at the expense of such town. Any assayer making any examination provided for by this section, shall examine the invoices of the liquors purchased, and compare his analysis with that written or printed on such invoices. He shall report immediately the result of his examination to the muncipal officers, and also to the governor and council.

SECT. 10. Upon petition and representation, in writing, to any single justice of the supreme judicial court, in term time or vacation, of ten or more well known tax payers of any city or town in which a liquor agency is established that said agency is being conducted in violation or evasion of the law creating the same, specifying in said petition the violation complained of, such justice, after reasonable notice to said city or town, if, upon hearing, it is shown that said agency is not being conducted in accordance with the law authorizing the establishment of the same, may order said agency closed, and the liquors found therein forfeited to the state.

SECT. 11. If a municipal officer buys any intoxicating liquors, to be sold according to law, of any other person than the commissioner, or knowingly obtains them from any other source than the commissioner's stock at his place of business, or if any duly authorized town or city agent, or any person in his employment or by his direction, sells or furnishes for sale, any such liquors as have been decreed to be forfeited, or found to be impure as aforesaid, or causes any intoxicating or malt liquors which he or they keep for sale to be adulterated, by mixing the same with any coloring matter, drug or ingredient, or mixes the same with other liquors of different kind or quality, or with water, or sells or exposes for sale such liquors as are adulterated, he shall be punished as provided in section thirty-five of said chapter twenty-seven as amended.

SECT. 12. The governor and council shall annually cause the reports of the commissioner and assayers made to them to be printed, and one copy sent to the municipal officers of each town, maintaining an agency.

SECT. 13. Sections seventeen and eighteen of chapter twenty-seven of the revised statutes, and all other acts and parts of acts, inconsistent with this act, are hereby repealed.

[Approved March 25.]

Chapter 161.

AN ACT to amend Section one hundred of Chapter forty-seven of the Revised Statutes, relating to investments in Savings Banks, as heretofore amended.

SECT. I. Section one hundred of chapter forty-seven of the revised statutes as amended by chapter one hundred and ninety-five of the public laws of eighteen hundred and ninety-three, is hereby amended by striking out the whole of said section and inserting in place thereof the following:

'SECT. 100. Savings banks and institutions for savings are restricted to and hereafter may invest their deposits in the public funds of any of the New England states, including bonds of the counties, cities and towns of the same; in the public funds of the United States and District of Columbia; in the stock of any bank or banking association incorporated under authority of this state; in the stock of any bank or banking association incorporated under the authority of the United States, if located within the New England states; in the public funds of the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska; in the bonds issued for municipal purposes, which are a direct obligation on all the taxable property, of any city of ten thousand inhabitants or more, or of any county of twenty thousand inhabitants or more; except when issued in aid of railroads, in the above named states, and in the refunding bonds of counties and cities otherwise complying with the foregoing conditions, issued to take up at maturity bonds which were legal and constitutional when issued, on which the interest has been fully paid, and for at least five years last past prior to such refunding; in the bonds and obligations of school district boards, boards of education, and other corporate bodies authorized to issue bonds within such cities, payable primarily from taxes levied on all the taxable property in such district, provided, that the population of the district is ten thousand or more, and the population and assessed valuation of the district are equal to at least ninety per cent of the population and assessed valuation of the city: provided, that no investment shall be made in the bonds of any counties, cities or districts of the states above named except cities and districts having a population of seventy-five thousand or more, where the net municipal indebtedness of such county, city or district exceeds five per cent of the last preceding valuation of the property therein for the assesment of taxes. The term net municipal indebtedness of counties as used in this section, shall be construed to include all bonds which are a direct obligation of the county less the amount of any sinking fund available in the reduction of such debt. The term net municipal indebtedness of cities and districts as used in this section, shall be construed to include in the case of either not only all bonds which are a direct obligation of the cities, but also all bonds of the districts or boards within the same as above enumerated, exclusive of any such debt created for a water supply and of the amount of any sinking fund available in the reduction of such debt; in the first mortgage bonds of any completed railroads of the states above named, together with New Jersey, and in the first mortgage bonds of the Central Pacific, Union Pacific and Northern Pacific Railroads, and in the railroad bonds of this state; in the stock of any dividend paying railroad in New England; and in the stock and mortgage bonds of any other railroad leased to such dividend paying railroad, upon terms guaranteeing the payment of a regular stated dividend upon the stock of such leased road and the interest on its bonds; in the stocks of any railroad company of this state, unincumbered by mortgage; but no bonds of street railroads excepting those already constructed in this state, shall be purchased, unless an amount of capital stock equal to thirty-three and one-third per cent of the mortgage debt shall have been paid in, in cash, and expended upon the road, evidenced by a certificate of the railroad commissioners, filed in the office of the secretary of state, that said percentage has been so paid in and expended, in addition to the amount of the bonded debt; in the mortgage bonds of any water company in this state and New Hampshire actually engaged in supplying to any city or cities, town or towns, village or villages or other municipal corporations, water for domestic use and for the extinguishment of fires, whenever such company is earning more than its fixed charges, interest on its debts, and its running expenses; in the stock and bonds of any other corporations incorporated under authority of this state, which earn and are paying regular dividends of not less than five per cent a year; and may invest by loan on first mortgages of real estate in this state and New Hampshire, not exceeding sixty per cent of its value; and may loan to any county, city or town in this state; and may loan on notes with a pledge as collateral of any of the aforesaid securities, including savings bank deposit books of any savings bank in the state, and the stock of any of said railroad companies, not over seventy-five per cent of the market value of such stock; and may loan to corporations having real estate and doing business in this state; and may also loan on a pledge or mortgage of such other personal property as, in the judgement of the trustees, it is safe and for the interest of the bank to accept. The number of inhabitants of cities and counties shall be determined by the last previous official census thereof, as established by the last United States or state census, or city or county census taken in the same manner as United States or state census and duly certified to by the clerk or treasurer of such city or the auditor or treasurer of such county. All investments shall be charged and entered on the books of the bank at their cost to the bank, or at par when a premium is paid.'

SECT. 2. This act shall not apply to investments made by savings banks before it goes into effect. [Approved March 26.]

Chapter 162.

AN ACT to make State Tax Sales more effectual.

SECT. 1. When the state has taxed wild land, and the state treasurer has deeded it, or part of it, for non-payment of tax, by deed purporting to convey the interest of the state by forfeiture for such non-payment and his record shows that the grantee, his heirs or assigns, has paid the state and county taxes thereon, or on his acres or interest therein as stated in the deed, continuously for the twenty years subsequent to such deed; and when a person claims under a recorded deed describing wild land taxed by the state, and the state treasurer's record shows that he has, by himself or by his predecessors under such deed, paid the state and county taxes thereon, or on his acres or interest therein as stated in the deed, continuously for twenty years subsequent to recording such deed; and whenever, in either case, it appears that the person claiming under such a deed, and those under whom he claims, have, during such period, held such exclusive, peaceable, continuous and adverse possession thereof as comports with the ordinary management of wild lands in Maine, and it further appears that during such period, no former owner, or person claiming under him, has paid any such tax, or any assessment by the county commissioners, or done any other act indicative of ownership, no action shall be maintained by a former owner, or those claiming under him, to recover such land, or to avoid such deed, unless commenced within said twenty years, or before January one, nineteen hundred. Such payment shall give such grantee or person claiming as aforesaid, his heirs or assigns, a right of entry and seizen in the whole, or such part, in common and undivided, of the whole tract as the deed states, or as the number of acres in the deed is to the number of acres assessed.

SECT. 2. If any such former owner, or person claiming under him, during said period of twenty years, or any portion thereof, is a minor, married woman, insane, imprisoned or absent from the United States, he may, if otherwise entitled, bring such action at any time within ten years after such disability is removed, notwithstanding said period of twenty years has expired. And if such person dies during the continuance of the disability, and no determination or judgment has been had on his title or right of action, such action may be brought by his heirs, or other person claiming under him, at any time within ten years after his death, notwithstanding the twenty years have elapsed.

SECT. 3. Before trial of an action involving the validity of a tax sale made by the state treasurer, the party claiming under such sale may file in court, treasurer's certificates showing the amount paid by him at such sale and afterwards, for state and county taxes and charges, whereupon the other party shall pay to the clerk the amount thereof with interest from each time of payment to the time of deposit, to be finally paid out by order of court to the party equitably entitled thereto; on motion the court shall determine the amount to be deposited, and when; and on failure to deposit as ordered, the court shall render judgment by default against the party so failing.

SECT. 4. This act shall not apply to actions between cotenants, nor to actions now pending in court, nor to those commenced before January one, nineteen hundred.

[Approved March 26.]

Chapter 163.

AN ACT to amend chapter thirty-nine of the Revised Statutes, entitled "Inspection and Sale of Manufactured Articles."

SECT. 1. Section four of chapter thirty-nine of the revised statutes, as amended by chapter seventy-four of the laws of eighteen hundred and ninety-one, is hereby further amended by striking out all of such amended section after the word "manufactured" in the sixteenth line, and inserting instead thereof: 'In addition to the penalties hereinafter provided, such inspector or deputy is also liable in an action on the case to any party, for all damages he sustains by such misdoings, and if the misdoings are on the part of the deputy the action may be against him or his principal'; so that said section when amended, shall read as follows:

'SECT. 4. No inspector or deputy shall brand any casks of lime, not inspected by him, or not conformable in all respects to the provisions hereof, nor permit any other person unlawfully to use his brands; and no person shall sell, expose for sale, lade or receive on board any vessel, any lime in casks not made, inspected and branded according to law; nor shift the contents of any lime cask, branded as aforesaid, with intent to sell the same as inspected; nor shall any person, firm or corporation, put up or fill, or cause to be put up or filled, sell, expose for sale, or cause to be sold, or exposed for sale, or lade or receive, or cause to be laden or received on board any vessel or car, any lime in casks, upon which is either branded, stamped, painted or marked, in any place, the name of any city or town, or any imitation or abbreviation thereof, other than that in which such lime is burned or manufactured. In addition to the penalties hereinafter provided, such inspector or deputy is also liable in an action on the case to any party, for all damages he sustains by such misdoings, and if the misdoings are on the part of the deputy the action may be against him or his principal.'

SECT. 2. Section five of said chapter is amended by striking out all after the word "three" in the fourth line thereof, so that said section, as amended, shall read as follows:

'SECT. 5. No person shall sell, expose for sale, lade or receive on board any vessel, lime in casks not made, inspected and branded according to law; or sell, expose for sale, or purchase any lime casks not made in conformity to the provisions of section three.'

SECT. 3. Section six of said chapter is amended by striking out all of said section down to and including the word "therefor" in the second line, and inserting in place thereof the following: 'Any person convicted of a violation of any of the provisions of the foregoing sections of this chapter shall be punished by a fine not exceeding fifty dollars;' so that said section, when amended, shall read as follows:

'SECT. 6. Any person convicted of a violation of any of the provisions of the foregoing sections of this chapter shall be punished by a fine not exceeding fifty dollars; and when judgment is recovered against an inspector or deputy for penalties or damages on account of any misdoings in his office, and the execution issued thereon is returned unsatisfied, the creditor may avail himself of the benefit of the inspector's bond to the county treasurer, who shall give him a copy thereof on request, in like manner as a judgment creditor of a sheriff or a coroner may avail himself of the official bond of such officer given to the treasurer of state.'

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. No suit shall be begun or maintained for any penalty incurred under the provisions of sections four and five of said chapter thirty-nine.

SECT. 6. This act shall take effect when approved. [Approved March 26.]

Chapter 164.

AN ACT to amend section eighty of chapter eighteen of the Revised Statutes, as to notice of Injuries received on Highways.

Section eighty of chapter eighteen of the revised statutes is hereby amended by inserting after the word "aforesaid" in lines thirteen and fourteen the words 'or some person in his behalf;' so that said section as amended, shall read as follows:

'SECT. 80. Whoever receives any bodily injury, or suffers damage in his property, through any defect or want of repair or sufficient railing, in any highway, town way, causeway or bridge, may recover for the same in a special action on the case, to be commenced within one year from the date of receiving such injury, or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county, or the municipal officers, highway surveyors or road commissioners of such town, had twenty-four hours' actual notice of the defect or want of repair, but not exceeding two thousand dollars in case of a town; and if the sufferer had notice of the condition of such way previous to the time of the injury, he cannot recover of a town unless he has previously notified one of the municipal officers of the defective condition of such way; and any person who sustains injury or damage, as aforesaid, or some person in his behalf, shall within fourteen days thereafter, notify one of the county commissioners of such county, or of the municipal officers of such town, by letter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury. If the life of any person is lost through such deficiency, his executors or administrators may recover of such county or town, liable to keep the same in repair, in an action on the case, brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had said notice of the deficiency which caused the loss of life; at the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged, when it would materially aid in a clear understanding of the case.'

[Approved March 26.]

Chapter 165.

AN ACT to amend sections thirty-four and seventy-five of chapter fifty-one of the Revised Statutes as amended by chapter two hundred and five of the Public Laws of eighteen hundred and ninety-three, relating to Highway Crossings.

SECT. 1. Section thirty-four of chapter fifty-one of the revised statutes, as amended by chapter two hundred and five of the public laws of eighteen hundred and ninety-three, is hereby amended as follows: By striking out the word "is" in the tenth line, and inserting instead thereof the words 'or automatic signals are'; and also by inserting after the word "stationed" in the eleventh line, the words 'or automatic signals to be maintained;' so that said section as amended, shall read as follows:

'SECT. 34. When the municipal officers of a town deem it necessary for public safety, that gates should be erected across a way where it is crossed by a railroad, and that a person should be appointed to open and close them, they may make such request in writing; and in case of neglect or refusal they may apply to the railroad commissioners to decide upon the reasonableness of such request, who after notice and hearing, shall decide. When they decide that such a request is reasonable, or that at said crossing a flag-man or automatic signals are necessary for the public safety, they may upon said application, order a flag-man to be stationed or automatic signals to be maintained there instead of gates, and the corporation shall comply with such order and pay the costs; when they decide otherwise, the costs shall be paid by the applicants.'

SECT. 2. Section seventy-five of said chapter fifty-one of the revised statutes, as amended by chapter three hundred and seventy-seven of the public laws of eighteen hundred and eighty-five, is hereby further amended by inserting after the word "gate" in the fourth line thereof, the words 'or automatic signals ordered or approved by the railroad commissioners'; so that said section as amended, shall read as follows:

'SECT. 75. No engine or train shall be run across a highway near the compact part of a town at a speed greater than six miles an hour, unless the parties operating the railroad maintain a flag-man, or a gate or automatic signals ordered or approved by the railroad commissioners, at the crossing of such highway. And no way shall be unreasonably and negligently obstructed by engines, tenders or cars. The corporation forfeits not exceeding one hundred dollars for every such offense.'

[Approved March 27.]

Chapter 166.

AN ACT to amend section thirty-four of chapter three of the Revised Statutes, relating to the duties of Municipal Officers.

Section thirty-four of chapter three of the revised statutes is amended by adding at the end of said section the following: 'Any city officers elected or appointed by the city council, or appointed by the mayor and aldermen shall discharge their respective duties under the direction and control of the mayor and aldermen,' so that said section as amended, shall read as follows:

'SECT. 34. In the election of any city officers by ballot in the board of aldermen or in convention of the aldermen and common council, in which the mayor has a right to give a casting vote, if two or more candidates have each half of the ballots cast, he shall determine and declare which of them is elected. Whenever appointments to office are directed or authorized to be made by the mayor and aldermen of cities, they may be made by the mayor with the consent of the aldermen, and such officers may be removed by the mayor. Any city officer elected or appointed by the city council, or appointed by the mayor and aldermen shall discharge their respective duties under the direction and control of the mayor and aldermen.'

[Approved March 27.]

Chapter 167.

AN ACT to amend section twenty-six of chapter thirty of the Revised Statutes, as amended by section twelve of chapter ninety-five of the Public Laws of eighteen hundred and ninety-one and section six of chapter two hundred ninety-two of the Public Laws of eighteen hundred and eighty-nine, as amended by section two of chapter one hundred twenty-six of the Public Laws of eighteen hundred and ninety-one, relating to fines, forfeitures and costs, collected under the Fish and Game laws.

SECT. 1. Section twenty-six of chapter thirty of the revised statutes as amended by section twelve of chapter ninety-five of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out all after the word "treasurer" in the seventh line, and before the word "in" in the fourteenth line, so that said section as amended shall read as follows:

'SECT 26. All fines, penalties and costs collected on complaint or indictment for the violation of any fish or game law shall be paid to the court rendering final judgment thereon, and by such court to the treasurer of the county in which said court is held; and all fines and penalties recovered in actions of debt for the violation of any such law, shall be paid forthwith to such treasurer. In all actions of debt therefor in any court, if the plaintiff prevails he shall recover full costs without regard to the amount recovered. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, either on complaint or indictment as aforesaid, or if by action of debt, and neglects for more than sixty days to pay the same into such county treasury, shall be punished by fine not less than forty nor more than one hundred dollars for the first offense, and for every subsequent offense, by such fine, and imprisonment not exceeding six months.'

SECT. 2. Section six of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine, as amended by section two of chapter one hundred and twenty-six of the public laws of eighteen hundred and ninety-one, is hereby further amended by striking out the nine last words thereof, so that said section as amended, shall read as follows:

'SECT. 6. All fines and penalities under any law relating to game, fish or shell fish, may be recovered by complaint, indictment or action of debt, made or brought by any person in the county where such game or parts thereof, fish or shell fish are found, against the shipper or the person, having the same in possession, and together with all forfeitures shall be paid into the treasury of the county where the complaint is made, indictment found, or action brought.'

SECT. 3. This act shall not affect actions, complaints or indictments now pending.

[Approved March 27.]

Chapter 168.

AN ACT to amend an act entitled "An Act to Establish a Bounty on Seals."

SECT. 1. Section one of chapter one hundred and thirty-nine of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out in the first line the words "fifty cents," and substituting the words 'one dollar,' and in the second line by striking out the words "Penobscot river and bay," and substituting the words 'this state,' so that said section as amended, shall read as follows:

'SECT. 1. A bounty of one dollar for each and every seal killed in the waters of this state shall be paid by the treasurer of the town in which such seal is killed, to the person exhibiting to said treasurer the nose of such seal within thirty days after said seal was killed. Such treasurer shall destroy it and shall then proceed as in sections six and seven of chapter thirty of the revised statutes.'

SECT. 2. Section two of said chapter is hereby amended by striking out said section and substituting in place thereof the following:

'SECT 2. The carcasses of such seals when destroyed shall not be left derelict in any waters of the state, but shall be removed therefrom and properly disposed of by the person destroying them; provided, however, that it shall be unlawful during the months of June, July and August to destroy seal in the waters of Casco bay by shooting with rifle or other long range weapon, which might endanger human life, under a penalty for a violation of either of the provisions of this section, of fifty dollars, to be recovered upon complaint or indictment before any court of competent jurisdiction.'

SECT. 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

[Approved March 27.]

Chapter 169.

AN ACT for the Protection of Dairymen.

SECT. 1. All bottles, pipetts or other measuring glasses used by any person, firm or corporation, or their agents or employes, at any creamery, butter factory, cheese factory or condensed milk factory, or elsewhere in this state, in determining by the Babcock test, or by any other test, the value of milk or cream received from different persons or parties at such creameries or factories, shall before such use be tested for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipetts or measuring glasses shall bear in marks or characters ineffaceble the evidence that such test has been made by the authority named in section two of this act. And no inaccurate bottles, pipetts or other glasses shall bear such marks or characters.

SECT. 2. It is hereby made the duty of the director of the state college experiment station, or other competent person designated by him, to test the accuracy of all bottles, pipetts or other measuring glasses used by persons, firms or corporations in this state buying or pooling milk or cream, or apportioning butter or cheese made from the same, by the contents of butter fat contained therein. The director of the experiment station, or the person designated by him, shall mark such bottles, pipetts or other measuring glasses as are found correct, in marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The director of the experiment station shall receive for such service the actual cost incurred, and no more, the same to be paid by the persons or corporations for whom it is done.

SECT. 3. Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream for a basis of apportioning the value of such milk or cream, or the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the state college of agriculture and mechanic arts that he or she is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall in no case exceed one dollar, the same to be paid by the applicant.

SECT. 4. Whoever uses, or has in his possession with intent to use, at any creamery, butter factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test, or any other test for determining the butter fat contents of milk or cream, shall on conviction pay a fine not exceeding twenty-five dollars for the first offense, and for a second offense a sum not exceeding fifty dollars. Any person, firm or corporation violating the provisions of section one of this act, shall on conviction pay a fine not exceeding fifty dollars for the first offense, and for a second offense a sum not exceeding one hundred dollars; and any person violating section three of this act shall on conviction pay a fine not exceeding ten dollars. And it shall be the duty of every inspector of milk, sheriff, deputy sheriff and constable to institute complaint against any person or persons violating the within named provisions of this act, and on conviction one-half of the fines shall go to complainant and the balance to the to the state.

SECT. 5. This act shall take effect in six months from the date of its approval.

[Approved March 27.]

Chapter 170.

AN ACT to Regulate the Practice of Medicine and Surgery.

SECT. 1. The governor with the advice and consent of the council, shall appoint six persons, residents in this state, who shall be graduates of a legally chartered medical college or university having the power to confer degrees in medicine, and who shall have been actively employed in the practice of their profession for a period of five years, who shall constitute a board of registration of medicine. Such persons shall be appointed and hold office for terms of two, four and six years respectively, beginning with the first day of July in the present year, and until their successors are appointed, and thereafter the governor, with the the advice and consent of the council, shall appoint on or before the first day of July every other year, two persons qualified as aforesaid, to hold office six years from the last named day. No member of said board shall belong to the faculty of any medical college or university. Vacancies in said board shall be filled in accordance with the provisions of this act for the establishment of the original board and the person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the governor, with the advice and consent of the council and not more than two members of said board shall at one time be members of any one chartered state medical society.

SECT. 2. The members of said board shall meet on the second Tuesday of July next, at such time and place as they may determine, and shall immediately proceed to organize by electing a chairman and secretary who shall hold their respective offices for the term of two years. The secretary shall give to the state treasurer a bond in the penal sum of one thousand dollars, with sufficient sureties to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep correct records of all its proceedings, and is hereby authorized to make such minor rules and regulations as shall be deemed necessary for the successful enforcement of this act.

SECT. 3. It shall be the duty of said board immediately upon its organization, to notify all persons practicing medicine or surgery for gain or hire as a livelihood in this state, of the provisions of this act, by publication in one or more newspapers in each county and every such person who is a gradnate of a legally chartered medical college or university having power to confer degrees in medicine, and every person who has been a practitioner of medicine or surgery in this state for a period of three years next prior to the passage hereof shall upon exhibition of satisfactory proof thereof to said board and upon the payment of a fee of two dollars be entitled to registration, and said board shall issue to him a certificate signed by the chairman and secretary and sealed, and said certificate shall state the facts and the cause of said registration, and must be publicly displayed at the person's principal place of business as long as said person continues such practice for gain or hire.

SECT. 4. Any person not entitled to registration as aforesaid shall, upon the payment of a fee of ten dollars, be entitled to examination and if found qualified by a majority of the members of the board present shall be registered as a physician or surgeon, and shall receive a certificate thereof as provided in section three. Any person refused registration may be re-examined at any regular meeting of said board, within two years of the time of such refusal, without additional fee, and thereafter may be examined as often as he may desire upon the payment of the fee of ten dollars for each examination. Said board, after a conviction before a proper court, for crime in the course of professional business, and after hearing, may by unanimous vote revoke any certificate issued by them and cancel the registration of the person to whom the same was issued. Said board, his also power to suspend or revoke any certificate by unanimous vote, in any case where same certificate has been wrongfully obtained or any fraud connected with the said registration. All fees received by the board under this act shall be paid by the secretary thereof into the treasury of the state once in each month.

SECT. 5. The compensation, incidental and traveling expenses of the board shall be paid from the treasury of the state. The compensation of members of the board shall be five dollars each for every day actually spent in the discharge of their duties and five cents per mile each way for necessary traveling expenses in attending the meetings of the board, but in no case shall any more be paid than has actually been expended. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses actually incurred. Such compensation and the incidentals and traveling expenses shall be approved by the board and sent to the auditor of the state, who shall certify to the governor and council the amount due, as in case of other bills and accounts approved by him under the provisions of law; provided that the amounts so paid shall not exceed the amount received by the treasurer of the state from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

SECT. 6. The board shall keep a record of the names and residences of all persons registered hereunder and a record of all moneys received and disbursed by said board, and said records or duplicates thereof shall always be open to inspection in the office of the secretary of state during regular office hours. Said board shall annually report to the governor, on or before the first day of January in each year, the report to contain a full and complete account of all its official acts during the year, also a statement of receipts and disbursements of the board and such comments or suggestions as may be deemed essential.

SECT. 7. It shall be the duty of the board, its members or agents to investigate all complaints regarding non-compliance with or violation of the provisions of this act and to bring all such cases to the notice of the proper prosecuting officers.

SECT. 8. On and after the first day of January in the year eighteen hundred and ninety-six, the board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant must give satisfactory proof of being twenty-one years of age and of having good moral character, and possess a reasonable amount of average knowledge in the branches of science he desires to practice in, and must pay the fees herein provided. Examinations shall be, in whole or in part, in writing and shall be of an elementary and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, materia medica, therapeutics, surgery, the principles and practice of medicine, obstetrics, or such branches thereof as the board may deem necessary for the applicant to possess.

SECT. 9. On and after the first day of January, eighteen hundred and ninety-six it shall be illegal for any person not duly registered by this board to practice medicine or surgery or any branch thereof for gain or hire within this state. Whoever not being registered as aforesaid shall so practice or shall advertise or hold himself out to the public as a physician or surgeon in this state who appends to his name the letters "M. D." or who uses the title of a doctor or physician, meaning thereby a doctor of medicine, shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, or by imprisonment in jail for three months, or both.

SECT. 10. This act shall not apply to commissioned officers of the United States army, navy or marine hospital service, or to a physician or surgeon who is called from another state to treat a particular case and who does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases, nor to medical students who prescribe or operate under the direction of some registered physician or physicians, not to midwives who make no claim to the title of physician or doctor.

SECT. 11. Neither shall this act apply to clairvoyants or to persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science, so called, or any other method of healing if no poisonous or dangerous drugs are employed nor surgical operations performed; provided, such persons do not violate any of the provisions of section nine of this act in relation to the use of "M. D." or the title of doctor or physician.

SECT. 12. For the purposes of the appointment of said board and of registration of persons by it hereunder, this act shall take effect upon its passage and shall take full effect on the first day of January, in the year eighteen hundred and ninety-six.

[Approved March 27.]

Chapter 171.

AN ACT additional to chapter one hundred and twenty-two of the Revised Statutes, relating to offenses against Public Justice.

Any officer authorized and empowered to serve criminal processes, who shall hire or attempt to hire or give money or other valuable thing by way of inducement to any person to consent or suffer himself to be arrested, prosecuted for or convicted of any criminal offense, or who shall cause the same to be done, or who shall enter into any pecuniary agreement with any person whereby he is to cause himself to be so arrested, prosecuted or convicted, whether such person be guilty of such offense or not, shall be deemed guilty of misfeasance in office, and shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

[Approved March 27.]

Chapter 172.

AN ACT to regulate the packing of fish in hermetically sealed cans.

SECT. 1. In packing herring, mackerel or other fish in hermetically sealed cans, packed in oil, mustard or vinegar, there shall be used not less than one gallon of oil, of good standard quality, for every one hundred cans packed of the size known as one-quarter oils; one gallon of mustard sauce of good quality for every fifty cans of the size known as three-quarter mustards, and for every one hundred cans of the size known as one-quarter mustards; one gallon of vinegar for every one hundred cans of the size known as one-quarter spiced, and for every fifty cans of the size known as three-quarters spiced. Proprietors of fish packing factories shall provide measures holding one one-hundredth part and one fiftieth part of a gallon each, which shall be used in measuring all oil, mustard and vinegar used in packing fish as above provided; and all fish packed as aforesaid shall, when so packed, good and sound, [illegible] they shall be cleaned, headed and eviscerated and of good uniform size.

SECT. 2. Whoever packs or cans, or causes to be packed or canned any fish, in violation of this act, shall forfeit twenty dollars for every one hundred cans, or fifty cans, as aforesaid, as the case may be, so packed by him or by his employes, to be recovered by complaint.

[Approved March 27.]

Chapter 173.

AN ACT to provide for the printing and binding of department reports and other publications and to regulate the [illegible] the same.

SECT. 1. The number of copies of the following named reports to be printed hereafter at the expense of the state shall be determined by the governor and council but shall not exceed the following numbers. The report of the secretary of the state board of agriculture, [illegible] thousand copies annually; the report of the bank examiner, twenty-five hundred copies annually; the report of the commissioner of the bureau of labor and industrial statistics, six thousand copies annually; the report of the officers and trustees of the state [illegible] school, fifteen hundred copies annually; the report of the commissioners of fisheries and game, four thousand copies annually; the report of the industrial school for girls, [illegible] hundred copies annually; the report of the officers and trustees of the state prison, two thousand copies annually; the report of the commissioners on the contagious diseases of animals, four thousand copies annually; the report of the Maine state college, fifteen hundred copies annually; the report of the registrar of vital statistics, twenty-five hundred copies annually; the report of the insurance commissioner, three thousand copies, on each legislative year, and twenty-five hundred copies the alternate year; the report of the railroad commissioners, three thousand copies on each legislative year, and twenty-five hundred copies on the alternate year; the report of the superintendent of common schools, five thousand copies on each legislative year, and forty-five hundred copies on the alternate year; the report of the state treasurer, three thousand copies on each legislative year, and twenty-five hundred copies on the alternate year; the report of the trustees and officers of the Maine insane hospital, two thousand copies on each legislative year, and fifteen hundred copies on the alternate year; the report of the board of state assessors, six thousand copies on each legislative year, and three thousand copies on the alternate year; the report of the attorney general, fifteen hundred copies biennially; the report of the land agent and forest commissioner, twelve hundred copies biennially; the report of the state board of health, [illegible] thousand copies biennially; the report of the adjutant general, one thousand copies annually; the report of the librarian of the Maine state library, one thousand copies biennially; the report of the Bath military and naval orphan asylum, one thousand copies biennially. Of the above named reports, at least two hundred copies, bound in cloth, shall be delivered to the state librarian from the bindery, for exchange and library use; and of the balance of each such report, containing more than two hundred pages, two hundred and fifty copies shall be stitched and bound in paper, and the remainder in cloth; and of the balance of the number of each such report, containing less than two hundred pages and more than seventy-five pages, five hundred copies may be stitched and bound in paper and the remainder thereof may be bound in cloth, and of the balance of the number of each report, containing less than seventy-five pages, all may be stitched and bound in paper. The state librarian is hereby authorized to sell at cost to parties not entitled to said reports by custom or courtesy, such of said reports as may from time to time [illegible] in his hands.

Sect. 2. The reports, catalogues and compilations of all state departments, bureaus, commissions and institutions, other than as enumerated in section one of this act, may be printed and bound, but the number and the styles in which the same shall be so printed and bound, at the expense of the state, shall be determined from time to time by the governor and council, who shall also fix the number of the same to be delivered from the bindery or [illegible] to the state librarian, and said [illegible] shall have the same power as to the [illegible] of the same, as is provided for in section [illegible]

Sect. 3. Each department, bureau and institution may have printed at the expense of the state, bulletins and circular letters of [illegible] and information, at such times and in such numbers as the officer in charge thereof may consider necessary. Except as hereinbefore provided, no reports, catalogues or compilations shall be printed, stitched or bound [illegible] department, bureau, commission or institution of the state, at the expense of the state, unless by virtue of special legislative [illegible] therefor.

Sect. 4. It shall be the duty of the state [illegible] to transmit to the legislature and to [illegible] member and officer thereof, as soon after [illegible] of its session as practicable, [illegible] of each of the said reports [illegible]

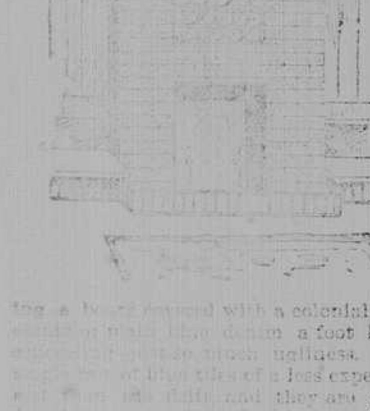
Sect. 5. All acts and parts of acts, all resolves and parts of resolves, inconsistent herewith, are hereby repealed.

[Approved March 27.]

ONE WAY IN WHICH TO MAKE AN ATTRACTIVE FIREPLACE.

Children's Rest and Play—Health and Looks—Queen Victoria's Wit—Children's Rights—Music, Home and Wife—Women as Officials.

If the slate mantel is alone in its ugliness, it is easy to alter. The space from [illegible] to the frieze can be papered with [illegible] the paper that can be had everywhere and a set of narrow shelves hung above it to hold two or three bits of china, plates and a vase or two of very simple form. In the fireplace shown in the accompanying picture the tiles are of old [illegible] delft, expensive, but the effect, or a somewhat similar effect, is possible with the paper shelves, the mantel beneath having a [illegible] covered with a colonial blue [illegible] down a foot below [illegible] ugliness. If a [illegible] of blue tile of a less expensive [illegible] and they are to be [illegible] designs, is set around the fireplace, and a low fender [illegible] and running into the seats [illegible] of the chimney, the old mantel [illegible] been so subordinated as to be [illegible]. If this is the dining room, the rest of the wall may have a [illegible] in ribbon stripes of a [illegible] pattern, outlined at the [illegible] with a [illegible] picture molding, and [illegible] woodwork should be painted [illegible]. Curtains of the colonial [illegible] a Japanese rug in [illegible] and white and [illegible] chairs covered [illegible]. The shallow [illegible] any finish [illegible] white enamel [illegible] in blue being especially [illegible] in a blue and white room.



Children's Rest and Play.

Mothers will be interested in a recent utterance of Dr. Felix Oswald concerning the [illegible] of children of play and rest. "For city children," says he, "the rough and tumble play is the main thing. It will strengthen their limbs, lungs and liver, and prevent more ailments than all the pills and herb elixir of patent medicines." In addition, it will keep the youngsters quiet in the places where they are apt to be restless—the parlor and school. Schoolteachers have noticed that the country boy is more quiet in the classroom than his city brother and argue that it is because he has had all the exercise he needs and is content to sit still. "After an hour or two of Swedish gymnastics," goes on Dr. Oswald, "combined with woodchopping and water carrying, if you like, the wildest boy will prefer a chair to a flying trapeze, for if the tonic development of the organism is not grossly neglected sedentary employments are by no means contrary to nature. In their interval of play the young of frolicsome animals will sit motionless for hours. Even kittens and young monkeys, not to mention colts, have their off days, when they won't stir a foot if they can help it."

One of the best safety valves for the stored energy of city children is pillow fighting. All children delight in it, but city children should certainly be permitted it. It is a little hard on the pillows, and they should not be in lace trimmed cases, nor does it pay to hemstitch them for this purpose. Use plain hemmed muslin and then wink at its short wear and frequent journeys to the laundry. A pillow fight properly conducted, and boys especially need no training for proficiency in the art, brings in play every nerve and muscle in the body and sets the blood tingling from head to heels.

BEAUTIFUL WOMEN.

ONE MAY BECOME SUCH BY TRAINING, SAYS MLLE. PILAR-MORIN.

The Homely Woman Has the Capabilities In Herself—How the Art of Pantomime May Be Employed as an Element In a Social Education.

A homely woman is sadly handicapped, and yet I have seen many such develop into very pretty creatures through proper training. Pantomiming in its present perfection is much more than an ordinary theatrical accomplishment. It is one of the subtlest of arts, to which are brought a quick sympathy and comprehension and an adaptability as quick as thought itself.

In Europe it is no uncommon thing for women of high social position to study the art as a part of their polite education. It gives polish, poise and symmetry. It broadens, expands and at the same time softens a personality. It makes continual harmony, running from inflection to inflection with perfect rhythm. Its golden secret is in curves, to which the body gives expression.

My scheme of training for any one desirous of following it would be to begin first with the arms and legs. Endeavor to walk with the body well balanced and supple, turning slowly first with the left foot forward, and then the right should come in for much practice. This may perhaps seem a very simple matter, but feet that are uneducated often have a habit of throwing their owners in awkward positions.

The greatest difficulty in the training of the hands lies in the fingers. They should be able to move entirely independent of one another. And this is not easy of accomplishment. Fingers of the ordinary person are stiff jointed, but once under control are capable of a variety of shadings that are important in a complete picture.

There is just as much coquetry in a hand as there is in a fan, and it is much more telling, because it is human. The day may yet come when my lady can flash the music and sentiment of De Musset from her finger tips. No such diversion is mine. It is business with me, and yet a business not unmixed with a certain sentiment, for I am the creature of the author whose work I delineate.

I have sometimes given 15 hours a day to practice to the hands alone. Especially when cold attacks the muscles of the wrist this is made absolutely necessary. Of course, to a person in private life this would not be essential. To the artist it is different.

With the adaptability of the hands and arms comes the training of the body in concord of action. It may be of interest to know that it is contrary to a fixed rule—and an excellent one, too—to cross the body with either of the arms. It has been done in some rare cases, but the action is calculated to make a discord.

I come now to the most important feature—the face. Of what depth and variety of expression the eyes are capable poets have sung for ages, and everyday life furnishes us with numberless examples. They are the changeful jewels of womanhood, that tell the truth of her being—and quite frequently, too, silent, lily hued lies.

There are eyes which, though they are jewels, do not often sparkle, and which tell, if they tell at all, a quite commonplace tale. But the possibilities are there. A friend of mine, who is an enthusiast, once told me that the eye of fate could be so trained as to melt all its fearsomeness into the languor of poetry. Perhaps!

Practice with the eyes is comparatively easy to one apt at expression, but the method is just as severe as that applied to the fingers. Anything approaching perfection demands that the eyes should follow the general rule and be able to describe the curve, to which the art owes its contour. I am perhaps a little vague, but the action must be seen to be appreciated.

Any eyes can be trained so as to be capable of all the delicacy of expression possessed by words. And this perfection, I should judge, is one that all women would desire. I have read of women who had "speaking eyes," and these should not be the particular endowment from a novelist, but indeed should be so natural to all women that the fact would be a foregone conclusion.

Some of these natural "speaking eyes," I imagine, as a result of not being trained, are limited in their expression, and often what they do say is silly and uninteresting. If many eyes expressed what their owners wanted to say, there would be some odd looking persons in the world. And here is where the art of pantomime comes in. It enables one to conceal as well as to reveal. An untrained "speaking eye," like an untrained tongue, is very often apt to cause trouble.

I have known some artists who have put their faces through exercises for plasticity until the muscles actually ached. The muscles of my face are so pliable that I have suffered severely from neuralgia there. This, however, should not deter any amateur who desires to cultivate expression. Such a condition and liability are only acquired after years of incessant practice, and that would be far more than any society woman would need.

If the art of pantomime pure and simple were applied to the parlor, the result might be startling, but I emphatically hold that, modified to such conditions, it is one of the necessities of refinement.

For instance, in a mere technical sense a volume could be written upon the method of smiling, and yet that is something so simple and natural that we never give it a thought when we are moved by some quip or clever mot, or even by the spirit of coquetry that is inherent in all women.

Some women smile a heartless, soulless smile merely with the mouth, and there's the end of it. The action in every case should be more than a mere showing of the teeth. Next to a woman's eyes her smile is her glory, and it should be well cultivated to mean more than a mere physical expression of an impulse. It should be the impulse itself. It should be any mental state the intelligence of which the person wishes to convey.

It is possible for a woman who has a large mouth and big teeth to smile and look pretty. She must be properly schooled, of course, and have acquired the method of concealing as well as revealing.

I do not speak merely as an enthusiast, but as a person who has laboriously sounded the depths of the art, and I am sincere when I say that I think it will prove the salvation of the homely woman. Let her feel that the sun of promise is hidden in herself, and that beauty, after all, is a mere comparison.—Mlle. Pilar-Morin in New York Herald.

A small point for the hostess whose wax candles show a propensity to rapid wasting is that to put them in the ice chest for fully 24 hours before using will increase their burning time very appreciably. They want to be thoroughly chilled.

Lady Randolph Churchill.

Some interesting reminiscences of the early days of Lady Randolph Churchill come from Rochester, where she was born. In her girlhood, says a writer, she often met Thurlow Weed and other leading lights of the "American movement," and from them she imbibed a spirit of the most intense and patriotic Americanism, which has never left her, despite the fact that since her marriage she has been far and away the most enthusiastic Tory of all the colony of American girls who are wives of Englishmen. It is remembered of Lady Churchill in the city on the Genesee that at a social entertainment given a short time before her marriage she was the one person present who showed much knowledge of the Declaration of Independence. She was able to recite that fine old document of defiance to King George verbatim, and she did it so well and with such a degree of rhetorical finish and so evident an appreciation of its significance that she was enthusiastically applauded when she was done and was obliged to repeat it before her audience was satisfied.

A Dainty American Duchesse.

The Duchesse de la Rochefoucauld, who was once upon a time—and only a few years ago—lovely Mattie Mitchell of Oregon and New York, is said to be one of the most charming hostesses and one of the most brilliantly clever women in sunny France. Of the truth of this assertion people who have the average opinion of the clever Frenchwomen may have doubts, but of the duchesse's beauty there is only one opinion. She is remembered in New York as a lovely girl with a perfect figure, superb snowy shoulders, which she always draped with chiffons, gauzes and tulles in off shoulder fashion, which showed to the best advantage the very classical contour of the lovely shoulders. Miss Mitchell also had regular features, bronze gold hair, a complexion of dazzling pink and white and lovely eyes like aquamarine jewels of a haunting shade of blue gray. No wonder that Paris imagines Senator Mitchell's daughter as clever in every way as she is pretty.

Wishbone Parties.

A wishbone party is a happy diversion. A card, with a wishbone painted in the center and a quotation written beneath, is torn in halves and a piece given to a lady and gentleman respectively. Partners are secured by matching the pieces, and the company, in pairs, then move about to scan and locate, if possible, the other quotations as well as the one which has united them. Prizes, of course, reward the leading successes. At one given recently just as the party broke up a little tray of gilded wishbones was brought in, and every pair broke one between them, making a wish at the moment. On this same occasion, too, a huge wishbone hung under the central chandelier. It was cleverly cut from stiff pasteboard, gilded and smilax wreathed. It may be added that the wishbones requisite for the final wishing were accumulated by the young hostess in a short time, with the assistance of one or two friends, and were bona fide portions of fowls' anatomies.

Happiness In a Boarding House.

"I am of the opinion," said the social philosopher, trying hard to appear thoughtful, "that at least half the stories about the horrors and discomforts of boarding house life are a little frazzled at the edges from old age and frequent use. When circumstances compelled me to bid a languishing farewell to a dear little flat and from the acquaintance of a second floor back boarding house cell, I expected to wear crape on my hat and grief in my heart for at least a month. But instead I feel like flaunting peacocks' plumes from sunrise to sunset. And why? Because, my dears, my battles with ice bills and gas bills, grocery bills and window cleaning bills are affairs of the past. Except for my board bill the only experience with collectors that I have is on Tuesday night, when a nice little washerlady in shawl and hood regularly calls to see about the money for my laundry work. Happiness, my dears, lives in a boarding house!"—Chicago Record.

The Baby.

Every mother should make the inflexible rule in her household that no risks may be run with her baby. Experiment upon yourself if you will, but you have no right to submit your innocent child to the danger of experiments. Do not "try" this and that which every neighbor recommends. Have a family physician in whom you have every confidence and follow his instructions to the minutest details. You owe this to him and to your child. In the nineteenth century science has made wonderful advances, and in civilized America the "yarb woman" has no place today. It may be true that some "aunty" in your neighborhood knows more about babies than do some physicians, but the moral is not to listen with implicit faith to the "aunty," but to employ a doctor who does understand his profession.—Womankind.

Open Up Dark Corners.

One great cause for houses being overrun with water bugs is the utter lack of washing down plumbing fixtures, both inside and out, says a New York writer. Open pipes will obviate all this, but those who still have the old style should tear away the dark cupboards when possible or resort to scouring underneath and about the pipes as far as can be reached. One of the worst infested houses was completely rid of the pests by the aid of a carpenter and a scrubwoman. As fast as he opened up dark corners she scoured with hot water and soda. Powdered borax was sprinkled about, and the last intruder scampered away, with a hammer at his heels, never to return. With this form of uncleanliness the moral must follow that when there is nothing to invite nothing will come.

Have Plenty of Holders.

There will be no temptation for the cook to use her apron for a holder and perhaps drop a hot dish for want of protection if there is a good supply of holders convenient. Not only should there be enough for present use, but some in the pantry drawers for special needs. They may be easily made in various ways. Some fold half a dozen thicknesses of cloth into a rectangle and bind the edges. Others make the inside of any pliable material and have the outside of thick material, such as cloaking, with every piece coming to the edge. The holder is then sewed over and over all around it, taking coarse quilting stitches through it and finishing with a loop.

Flannels.

A method to prevent flannel from shrinking is to hold it over the steam of boiling water. When thoroughly damp, it can be immersed. This should be done before the flannel is cut. Skeins of wool to be used in knitting or crocheting are often treated in the same way.

THE BLANK SPACES.

A PROFESSIONAL DECORATOR TELLS HOW TO BEAUTIFY THEM.

Sharp Angles Removed by a Little Drapery. Arranging the Piano So That It Is Ornamental as Well as Useful—The Mantel Is Another Difficulty For the Uninitiated.

Recently the writer asked Miss Lewis, a professional decorator, how she was arranging and ornamenting tables, mantels, and, more than all, the piano, that indispensable triangle of furniture, so tormenting to the artistically inclined.

"Unless you place your piano with its back to the room the case is hopeless," she said. "This position is not only good from a decorative standpoint, but a performer likes to be shielded by the instrument."

Then she enumerated various graceful ways to cover the polished bareness of this musical instrument.

To hang a square of tapestry over the back from a brass rod is exceedingly striking. If possible, let the painted subject relate to music or sentiment and have it sufficiently large to cover the surface of the piano.

If the tapestry is very fine, its surface should be unspoiled by additions. Across the top of the piano lay a scarf of liberty silk or another painted panel. The only bric-a-brac that combines with this drapery is a pair of candelabra, the quainter in style the better.

Algerian stripes, Bagdad tapestry or Persian prints make good backgrounds. The cost is $1.25 a yard and width 50 inches. With this as a foundation many schemes may be carried out.

Bas-relief heads in plaster can be swung on it without injuring the wood of the piano. Medallions of Beethoven, Mozart or Wagner can be purchased for $1 each. A long panel of cherubs goes well, or a line of delft or Japanese plates.

A low settle has a comfortable resting place underneath this. Either a box seat upholstered in dark, contrasting stuff or one of the $4.50 green wooden settles, sold to artists, would serve. A number of cushions placed on the seat against the piano add to the coziness and grace of the decoration.

There is a Fifth avenue house where the tea table is placed against the draped back of the piano, the polished old silver showing well against the Persian colors.

Chinese and Turkish skirts, heavily embroidered, to be found at large dry goods shops, make most artistic drapery. They are laid over the top of the instrument and fall far downward over the back.

A curtain of dark velvet serving underneath as a background adds to the richness. A few fine bits of eastern china or pottery, if one possesses them, serve admirably as ornaments, but in lieu of these a bowl of roses and several small photos framed in gold or silver are all that the age calls for.

Whatever other color your room is made up in, put something rich and full of color on the back piano, excepting, of course, in an elaborate drawing room, upholstered in fairy colors.

A like system of draping is effective for the mantel wall—that is, for those who do not possess a large mirror, an artistic wall or that abomination, a mantel cabinet. Even with a mirror a background of rich toned stripes or colonial silks is more than pretty. This curtain is hung without fullness from the ceiling molding by hooks.

Far down near the mantel place a mirror or a long bas-relief of plaster, such as the cherubs, the Parthenon frieze or any one of like ilk.

Do not burden the mantel wall with ornaments in pairs. Have individual articles distantly placed, and you will be as artistic as the Japanese. In the land of the fan only one object of value is brought out at a time and placed for admiration in a niche. More would be artistic sacrilege.

If one does not care for the Persian tones, a background can be supplied of figured burlap. Put on as closely as wall paper, it forms an excellent pa[illegible]

A scarf of bright hued liberty silk on the mantel board is pretty, twisted in a heroic sailor's knot in the center and the ends curving along the board.

In the matter of ornaments remember that royal Worcester and other bowls and vases of china are no longer in use.

A Bohemian bowl, a dozen exquisitely framed photographs, a pair of candelabra are in good taste. The decorators object to even so many things. Severe simplicity should rule the shelf, they say, two good bits of bric-a-brac at most serving the purpose.

Some housewives are placing a divan under the mantel. If the air gets its heat from a register, this plan serves, and the varied cushions heaped to the overhanging scarf lend color. It is better taste, however, to display the fireplace, arranging it in decorative fashion.

Women In Washington.

Washington is a paradise for men and a purgatory for young women. In no city in America is she so handicapped by the numbers of her own set. Elsewhere she is sought. Here she has to come down off her pedestal and enter the grand scramble for attention or go without. This is such a complete reversal of what she has hitherto been accustomed to that it shocks and pains her sense of what is due her. If there were 50 men to one woman in society, I suppose that the one woman could be as badly spoiled as the one man is now. The only security for a healthy and natural social intercourse is the equalization of the number of men and women in society. It's a one sided affair now and is very pernicious in its effect and results in the men being badly spoiled and the women imbittered or rendered forward and merciless to each other.—Washington Post.

Nickel Stair Corners.

One fad in household economy of time and patience, and one that does not appeal in vain to the appreciation of home æsthetics, is a triangular and concave wedge of nickel, fitting into the corners of the stair steps. These do not tarnish, require no rubbing, except an occasional touch of the dusting cloth, and forever banish that bugbear of busy housemaids, dusty step corners, and in this day of the increasing multiplicity of things to be cared for the advent of this bright and cleanly substitute for a daily half hour of vigorous energy is to be hailed by both mistress and maid as no trivial lessener of worry and labor.

May Wright Sewall.

May Wright Sewall, the ex-president of the National Council of Women, is an Indianapolis woman. She was born in Milwaukee when it was a frontier settlement. She is an indefatigable worker, a logical thinker and a writer of considerable ability. She is a member of many organizations and belongs to several European societies.

Why Some Women Do Not Marry.

One such woman was used to attack a new science or language every year, and, failing, from her lack of teacher or companion, would pile the textbooks in heaps until walls of dusty volumes shut in every room of the house. She fell at last into a state of semi-idiocy, and wandered like a ghost around the village, gabbering scraps of foreign tongues which she did not understand.

It is a hereditary habit in certain families for the women to have a grief to shut themselves into a single room and remain there for 10, 20, 30 years. Nor are the morbid fancies of these women always gloomy and sad. They live sometimes in an enchanted land of their own.

One of whom I know, a woman of sympathetic temparament and motherly instincts, refused to marry a man whom she loved because he had gone to live in another town, and she would be forced to leave the old house and half acre which were the center of the world to her. The courtship went on for 40 years, but she was true to the house!

Another drove her lover away on the day of the wedding because she could not bring herself to change the name of Wonson for any other. He was rich, and she was poor. He remained faithful and ready as long as she lived. She died at 70, a maiden Wonson still. Could pride of blood go further?—Century.

A Busy Woman Physician.

Dr. Louise Fiske Bryson, who has long been before the public as an exponent of all that is most progressive in medical science, is one of the most painstaking of women physicians. Her timely articles, which frequently appear in The Medical Record, the New York Medical Journal and The Journal of Mental and Nervous Diseases, of which she is one of the collaborators, are eagerly read by the laity and the medical fraternity alike. To her was given the not inconsiderable honor of reading the first paper on grip before the New York Academy of Medicine in 1890. Besides being visiting physician to the Workingman's school, where the most enlightened theories concerning physical care and development prevail, Dr. Bryson is instructor at the New York Postgraduate Medical School and Hospital. She has an inherited right to her talents, for her family was noted for its erudition in the reigns of the early Tudors, and she comes from a long line of savants and teachers on both sides. Dr. Bryson is a brilliant conversationalist and well known in society. In person she is petite and sprightly, gracious in manner and faultless though quiet in dress. She is a member of the Barnard club and of numerous scientific associations.—New York Letter.

Energetic and Pushing Women.

Let no one confuse the energetic woman with the rushing woman. There is as much difference between energy and push as there is between obstinacy and firmness or between vanity and pride. The world is full of pushing men and women; people who go roughshod to their ends, shoving aside or down, anywhere so they are out of the way, any who may interfere with their progress. It does not follow that they are poor, lowly born or ignorant. They may have much to satisfy ambition, and it would seem that they might therewith be content, but if it is their natures to push, push they will. They always have the best room in a boarding house or hotel, the most comfortable section in the sleeper and the best seats in any place of public entertainment. They are not always disagreeable and are rarely unpopular. Many people envy them. They know something of human nature—when to bully, when to cajole, and, best of all, when to stop. They are bold pushers and wily ones; but, whatever the individual characteristics, selfishness must be the leading one, and we giddily step aside and give the way—after the manner of Randolph of Roanoke—to the vast army of pushers.—New York Telegram.

Typewriters.

Almost every typewriter sooner or later has trouble with her eyes. The typewriting machine is supposed to save the eyes, but the effect is quite the contrary. The eyes are all the time in motion while writing, and the rapid jerking of the eye from one point to another on the little keyboard soon tires the muscles and makes the eyes and sometimes the whole head ache.

Then a great many girls have the habit of turning up the carriage to see what has been written, and leaning back in the chair while reading it. This, too, is bad, for the reason that it requires a rapid adjustment of the eye to the different distances, and so tires the whole organ. The only way to save the eyes when using a typewriting machine is to acquire such facility that it is not necessary to look at the keyboard.—New York Dispatch.

A Simple Night Lamp.

In every home it is sometimes necessary to have a night light, and it becomes indispensable where there are invalids or young children. A lamp when turned low diffuses an unpleasant and unwholesome odor in a room. Gas is also objectionable. There are pretty little affairs called "fairy lamps," but many of these do not work well and are found to offer disagreeable features. A cheap and simple night lamp, which can be arranged by one person, is made by floating a piece of candle on a small, thin disk of wood or tin in a bowl of water. It will last for several hours. Indeed it can be made to burn slowly by sprinkling fine salt around the wick, and will go out when it burns down to the water, into which it drops and is extinguished without giving out any noxious smell.

Have a House Dress.

A girl who wishes to be well dressed on the street and at her office or in the store gets out of her street gown the moment she enters her home. Nothing so demoralizes a street gown as to wear it in the house. The seams of the waist get pulled out of shape, the skirt wrinkles with lolling in easy chairs, and the woolen gown will take on all the odors that are floating up from the kitchen, so that the minute you enter a car or shop the other inmates can tell that you had sausage and buckwheat cakes for breakfast, or that the cook is going to have doughnuts for your lunch. Manage to have two or three house gowns, if they are only percale or cotton crepon. Make them neatly and fancifully if you like, for at home is where you have the right to look your prettiest.

Women and Massage.

As massage becomes more and more an aid to the physician's skill it offers a paying occupation to intelligent and strong young women who become adepts in the art. It cannot, however, be thoroughly learned in 15 or 20 lessons, and many half taught persons with little or no knowledge of the human body or of the principles and treatment should be restrained from practice. One of the best trained women in the country, whose services I am told are always in demand, spent three years in Stockholm studying before she began to practice. —New York Post.

CHILDREN'S COLUMN.

The Misunderstood Elephant.

The affection and sensibility of the elephant are well known. In the memoirs of the actor, Charles Young, is an anecdote which illustrates these characteristics.

Chung, a big elephant, just arrived from India, had been bought by an English manager to exhibit in a children's pantomime. At the first rehearsal, when Chung reached a bridge over a cascade which he was expected to cross, he refused to step upon it, distrusting its solidity, and not without reason. In vain the angry keeper punished him by pricking him behind the ear with an iron goad. With lowered eyes and pendent ears the enormous animal stood in a pool of blood motionless as a wall.

The captain of the vessel which had brought Chung over came in during the contest between the man and the elephant. He had become fond of the beast and often fed it with dainties. The animal, as soon as it recognized its friend, approached him with a supplicating air, gently took his hand in its trunk and placed it in the bleeding wound, then held the hand up to the captain's eyes. The gesture said as clearly as words, "See how they have made me suffer." Poor Chung appeared so unhappy that every one was touched, even the cruel keeper. To win pardon the man ran out and brought some apples, which he offered to the elephant, but Chung disdainfully threw them away. The captain, who had also fetched some fruit from Covent Garden market, came back immediately and held it out to Chung. He willingly accepted it, and after eating it coiled his trunk gently round his protector's waist.—Our Dumb Animals.

Mollie and the Lobster.

One morning little Mollie
Was walking by the sea
When she met a lobster coming
As boldly as could be.
"Good morning, little maiden,"
Said he, with manner bland.
"It will give me the greatest pleasure
To shake you by the hand."

"Good morning, Mr. Lobster,"
The little maid replied,
But both her little hands she held
Quite closely by her side.
The lobster then held out his claw,
But Mollie, in a fright,
Said: "Please, I'd rather not shake hands.
I've heard that lobsters bite."

Rules For Boys.

Hat lifted in saying "Goodby" or "How do you do?"

Hat lifted when offering a seat in a car or in acknowledging a favor.

Keep step with any one you walk with.

Always precede a lady up stairs and ask her if you may precede her in passing through a crowd or public place.

Hat off the moment you enter a street door and when you step into a private hall or office.

Let a lady pass first always unless she asks you to precede her.

In the parlor stand till every lady in the room is seated; also older people.

Rise if a lady comes in after you are seated and stand till she takes a seat.

Look people straight in the face when speaking or being spoken to.

Let ladies pass through a door first, standing aside for them.

In the dining room take your seat after ladies and elders.

Never play with knife, fork or spoon.

Do not take your napkin in a bunch in your hand.

Eat as fast or as slow as the others and finish the course when they do.—Good Housekeeping.

Japanese Dolls.

On the third day of the third month in each year the little girls of Japan celebrate a dolls' festival. It is kept up for three days and is a most important affair. All the dolls, old and new, are brought out and dressed in their best. They are placed on silken cushions and have a grand feast spread for them.

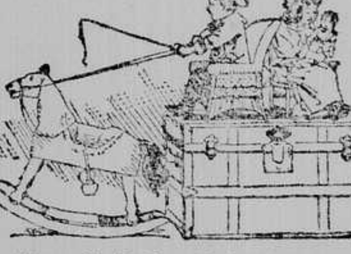
Mr. Hearn, an American writer, tells us some curious stories of Japanese dolls. He says they often represent gods and goddesses. They have Tenjin, the god of beautiful writing, and the seven gods of good luck, the god who loves laughter and many others with names which may not seem long to the Japs, but which we should find hard to pronounce.

The Bad Place.

Nellie went to visit her small friend Katie. For awhile they played nicely together, but presently could not agree about the setting of the doll's tea table. Nellie, the elder, became very much excited and cried out: "You're real mean! I won't play. When you die, you'll go to the bad place." Katie was bewildered and frightened. "Where is the bad place?" she asked breathlessly. Her friend was nonplused for a moment then she brightened up, "I don't know myself unless it's God's station house."—New York Times.

On the Road to London Town.

On the road to London town!
We made an early start.
As soon as morning dawned I put
The old gray to the cart.



**My good wife Joan the breakfast got
And dressed the baby, too,
So now we are dashing on to town—
Oh, don't you wish 'twas you?
—E. M. Winston in St. Nicholas.**

The Women of Spain.

On Mrs. Lang's showing in The Humanitarian the life of a Spanish woman must be dull enough. But of course there is everything in the point of view. The Spanish woman evidently has neither our ambition nor our uncomfortably developed sense of tedium.

She has no aspirations for a wider horizon; she has no desire for a university education, or a parliamentary vote, or a profession to render her independent. She is perfectly satisfied with life as it is; she has no responsibilities, money affairs being attended to by her male relatives and housekeeping being looked after by the servants; she has plenty of dancing, flirtation and intrigue, which is carried to a science and is her chief amusement in life. What more can she possibly want? would be her answer to your query as to whether her existence realized her ideal of happiness.—Exchange.

The Future of Women.

Dr. Joseph Parker of London makes a forecast of the twentieth century. He does not assume to possess prophetic inspiration nor claim occult power. He merely proceeds from a study of the progress of civilization in past ages compared with the advancement attained in the nineteenth century, and arguing from this standpoint predicts what we may reasonably look for. He thinks creeds will blend into a church universal, and science and religion, reconciled by greater knowledge, will go hand in hand. Monopolies will pass away; legalized robbery will not be tolerated. Women will occupy the position to which the best of our sex aspire, enjoying a freedom and protection which are not attainable in the present state of our worldly affairs.

Tact With Children.

Begin early, say the trainers of animals and of plants. Likewise with children begin early—that is, before they can perceive that anything is begun. It is the unconscious influence that tells. Not even grown people like to know that somebody is trying to do them good. Just here a child incident related by a mother is apropos: Her daughter of 4 or 5 years told a falsehood. She said to the child, "What a pity, for this makes a dark spot on yourself." Hearing this, the girl began to cry. "But, my dear," said the mother, "if from this moment you speak the exact truth, the dark spot will go away." This comforted the child and gave her inspiration. How much better some such method as this than the customary one of saying: "Oh, what a naughty girl! Now God won't love you," or "God will punish you," or "If you do so, you will not go to heaven when you die."—Abby Dias in Metaphysical Magazine.

Canned Goods.

In regard to canned goods an eminent physician says: "Reject every article that does not show the line of rosin round the edge of the solder of the cap, the same as is seen on the seam on the side of the can. Reject every can that does not have the name of the manufacturer or firm upon it as well as the name of the company or town where manufactured. Standards have all this. When the wholesale dealer is ashamed to have his name on the goods, fight shy of him. Press up the bottom of the can. If decomposition is beginning, the tin will rattle the same as the bottom of the oiler of your sewing machine will do. If the goods are sound, it will be solid, and there will be no rattle in the tin. Reject every tin that shows any sign of rust around the cap on the inside of the head of the can. If housekeepers are educated on these points, then the muriate of zinc amalgam will become a thing of the past."

The Toothbrush.

The care of the toothbrush is an important subject, of which, as a rule, but little is known. Tap the brush before using it to see if you can jerk out any loose bristles. Tap the brush after using it to shake out the water and put it away fairly dry. Do not keep it closely shut up in a brush tray or dressing case bottle. Loose bristles may be found in a new brush in consequence of the wire having cut the bristles in half while drawing them into the hole, the knot being too full. Bristles may project beyond the level of brush, the knot being too slack. Clip them off. Do not withdraw them, and thereby make the knot still looser. Bristles will perish if brushes are put away thoroughly wet and left for days to get quite dry. After a time even with the greatest care this will happen. Brushes will smell offensively if closely shut up when wet. They will also become discolored.

Keeping Fruit In Our Rooms.

We should be chary of keeping ripe fruit in our sitting rooms, and especially beware of keeping it in a sickroom for any length of time. That complaint which some people make about a faint sensation in the presence of fruit is not fanciful. They may be really affected by it. Two chemists have shown that from the moment of plucking apples, cherries, currants and other fruits are subject to constant transformation. At first they absorb oxygen, thus robbing the surrounding air of its vital element. Then they evolve carbonic acid, and this in far greater volume than the purer gas is absorbed, so that we have poison given us, in the place of pure air, with compound interest.

House Linen.

Do not permit table or bed linen to lie from year to year without being used. It will last the longer for an occasional washing. If it be already very yellow, cut up a pound of white soap in 4 quarts of milk, put it over the fire in a boiler, and when the soap has dissolved put in the linen and boil 15 minutes; then wash in soapsuds and rinse twice in clean water, blueing the last water slightly. The possessor of a grass plot can whiten her choice linen by simply rinsing in soapsuds and laying it on the grass for two or three days. Rinse in clear water and dry on the line, and it will be sweet and fresh and white.

Handsome silver and ivory brushes that might be injured with washing may be cleaned very nicely by careful brushing, followed by dipping the bristles in alcohol and wiping them off several times.

The chief exponents of music in Japan are women. Most men would consider that they were making themselves ridiculous by playing or singing in society.

To prevent Germantown wool or other "zephyrs" from shrinking when they are washed hang the skeins where the steam of the teakettle reaches them.

A woman's brain declines in weight after the age of 30.—Medical News.

English women are taller than their American sisters.